



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 7, 2013

Ms. Danielle R. Folsom  
Assistant City Attorney  
City of Houston  
P.O. Box 368  
Houston, Texas 77001-0368

OR2013-09495

Dear Ms. Folsom:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 489703 (GC No. 20389).

The City of Houston (the "city") received a request for information pertaining to a specified animal bite incident. You state the city will release some of the information to the requestor. You claim some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 826.0311 of the Health and Safety Code, which states in relevant part:

(a) Information that is contained in a municipal or county registry of dogs and cats under Section 826.031 that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is confidential and not subject to disclosure under Chapter 552, Government Code. The information contained in the registry may not include the social security number or the driver's license number of the owner of the registered animal.

(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information must maintain the confidentiality of the information, may not disclose the information under Chapter 552, Government Code, and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

Health & Safety Code § 826.0311(a), (b). Section 826.0311 applies only to the actual pet registry; it does not apply to the contents of other records, even though those documents may contain the same information as the pet registry. *See* Open Records Decision No. 649 at 3 (1996) (language of confidentiality provision controls scope of its protection); *see also* Open Records Decision Nos. 658 at 4 (1998), 478 at 2 (1987).

You state the information you have marked consists of personally identifying information of the owner of a registered animal. You state the submitted information is kept by the city's Bureau of Animal Regulation and Care ("BARC"). You explain BARC maintains the registry through a computer database using the Chameleon software, and you state the information at issue was pulled from the Chameleon database. However, you do not inform us whether the Chameleon software is also used to maintain other types of information in addition to the city's pet registry. Further, you do not state, and we are not able to determine, whether the information at issue was obtained directly from the city's pet registry. Accordingly, we must rule conditionally. It does not appear the exceptions found in section 826.0311(b) of the Health and Safety Code apply in this instance. Thus, to the extent the information you marked was obtained directly from the city's pet registry, the city must withhold the marked information under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, to the extent the information you marked was not obtained directly from the city's pet registry, the information is not confidential under section 826.0311(a) of the Health and Safety Code and the city may not withhold it under section 552.101 of the Government Code on that basis.

To the extent the information at issue is not confidential under section 261.0311(a) of the Health and Safety Code, we note the information at issue contains an e-mail address that is subject to section 552.137 of the Government Code.<sup>1</sup> Section 552.137 excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection

---

<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

(c). *See id.* § 552.137(a)-(c). The e-mail address at issue is not excluded by subsection (c). Therefore, the city must withhold the personal e-mail address we have marked under section 552.137 of the Government Code, unless the owner affirmatively consents to its public disclosure.

In summary, to the extent the information you marked was obtained directly from the city's pet registry, the city must withhold the marked information under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. To the extent the information you marked was not obtained directly from the city's pet registry, the city must withhold the personal e-mail address we marked under section 552.137 of the Government Code, unless the owner affirmatively consents to its public disclosure. The city must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan  
Assistant Attorney General  
Open Records Division

CVMS/som

Ref: ID# 489703

Enc. Submitted documents

c: Requestor  
(w/o enclosures)