



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 30, 2014

Ms. Monica Hernandez  
Assistant City Attorney  
Office of the City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283

OR2014-01837

Dear Ms. Hernandez:

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# 512559 (COSA File Nos. W019850, W019953, W019954).

The City of San Antonio (the "city") received three requests from the same requestor for information regarding a specified dog, including (1) records of surgeries performed on a specified date, (2) the request from the rescue group that took the dog, and (3) Chameleon notes regarding the spay surgery and transfer of the specified dog. You claim 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. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Initially, we note you have not submitted information responsive to the second category of the requests for information. To the extent information responsive to this portion of the requests existed on the date the city received the requests, we assume you have released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes. The city claims the submitted information is confidential under section 801.353 of the Occupations Code. This section provides in part the following:

(a) A veterinarian may not violate the confidential relationship between the veterinarian and the veterinarian's client.

(b) A veterinarian may not be required to release information concerning the veterinarian's care of an animal, except on the veterinarian's receipt of:

(1) a written authorization or other form of waiver executed by the client; or

(2) an appropriate court order or subpoena.

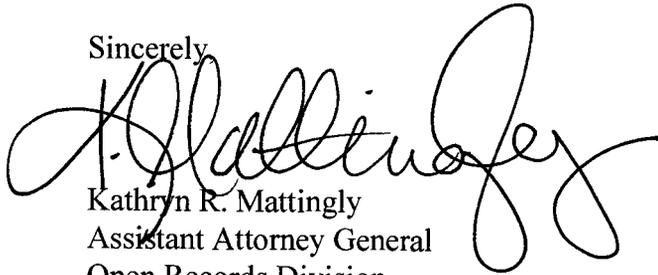
Occ. Code § 801.353(a), (b). Section 801.353 limits a veterinarian's release of information concerning the veterinarian's care of an animal to certain circumstances. *See id.* You indicate the submitted information consists of veterinary records created by city veterinary staff for an animal that the city's Animal Care Service Department (the "department") took from the community. You state the department "is both owner and caretaker of the animals it takes from the community until it finds an adopter for each animal." You state the city does not consent to the release of the submitted information. *See id.* § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). Finally, you state the requestor has not produced an appropriate court order or subpoena to release the information at issue. Based on your arguments and our review, we conclude this information consists of veterinary records that are subject to chapter 801 of the Occupations Code. Accordingly, the city may only release the submitted information in accordance with section 801.353 of the Occupations Code.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely

A handwritten signature in black ink, appearing to read 'K. Mattingly', written in a cursive style. The signature is positioned over the typed name and title.

Kathryn R. Mattingly  
Assistant Attorney General  
Open Records Division

KRM/bhf

Ref: ID# 512559

Enc. Submitted documents

c: Requestor  
(w/o enclosures)