



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 27, 2014

Mr. R. Brooks Moore
Managing Counsel, Governance
Office of General Counsel
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2014-08999

Dear Mr. Moore:

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# 524439 (Ref. No. 14-003).

The Texas Veterinary Medical Diagnostic Laboratory (the "laboratory") received a request for all information regarding necropsies and all other services provided to the Dallas World Aquarium or representatives thereof.¹ 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 representative sample of information.²

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. This section encompasses information protected by other statutes. The laboratory claims the submitted information is confidential under section 801.353 of the Occupations Code. This section provides in part the following:

¹You inform us the requestor was required to make a deposit for payment of anticipated costs for the request under section 552.263 of the Government Code, which the laboratory received on March 11, 2014. See Gov't Code § 552.263(e) (if governmental body requires deposit or bond for anticipated costs pursuant to section 552.263, request for information is considered to have been received on date that governmental body receives deposit or bond).

²We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(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 state the laboratory "provides diagnostic veterinary services in accordance with section 88.708 of the Education Code, and these services are provided by licensed veterinarians." *See* Educ. Code § 88.708 (requiring the laboratory to "provide diagnostic testing to aid in the identification of diseases affecting animals"). You do not indicate the laboratory has received consent from the owner or an appropriate court order or subpoena to release the submitted information. *See* Occ. Code § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). Based on your arguments and our review, we conclude the submitted information consists of veterinary records that are subject to chapter 801 of the Occupations Code. Accordingly, the laboratory 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, 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,



David L. Wheelus
Assistant Attorney General
Open Records Division

DLW/bhf

Ref: ID# 524439

Enc. Submitted documents

c: Requestor
(w/o enclosures)