KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 26, 2015

Ms. Claudene Marshall
Assistant General Counsel
Office of General Counsel
The Texas A&M University System
301 Tarrow Street, 6th Floor
College Station, Texas 77840-7896

OR2015-12745

Dear Ms. Marshall:

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# 568951 (TAMU 15-266, 15-267, 15-271).

Texas A&M University (the "university") received three requests for information pertaining to specified dogs and any specified protocols pertaining the dogs at issue during a specified time period. 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.[1]

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 section 801.353 of the Occupations Code. This section provides in part the following:

[1]We assume the "representative samples" of records submitted to this office are 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 submitted information consists of veterinary records that relate to "standard and incidental health care" of animals by veterinarians of the university. We understand the university does not consent to the release of this information. *See id.* § 801.351(a)(1) (defining "client" as "owner or other caretaker of the animal"). We also understand 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 university 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,

Tamara R. Strain
Assistant Attorney General
Open Records Division

TRS/cbz

Ref: ID# 568951

Enc. Submitted documents

c: 3 Requestors
(w/o enclosures)