



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 25, 2015

Ms. Claudene Marshall  
Assistant General Counsel  
Texas A&M University System  
301 Tarrow Street, 6<sup>th</sup> Floor  
College Station, Texas 77840-7896

OR2015-17718

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# 576978 (TAMU 15-508).

Texas A&M University (the "university") received a request for information pertaining to the care and treatment of a specified dog and any protocols for any project to which the dog at issue was assigned during a specified time period. You claim the requested 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.<sup>1</sup>

Initially, you state, and we agree, some of the requested information was the subject of a previous ruling by this office. In Open Records Letter No. 2015-12015 (2015), this office held the university must withhold the information at issue under section 552.101 of the Government Code in conjunction with section 51.914(a)(1) of the Education Code. As we have no indication the law, facts, and circumstances on which the prior ruling was based

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<sup>1</sup>We assume that 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 that those records contain substantially different types of information than that submitted to this office.

have changed, the university must continue to rely on the prior ruling as a previous determination and withhold the information we previously ruled on in accordance with Open Records Letter No. 2015-12015. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, because you inform us the remaining requested information is not encompassed by the previous decision, we will address your arguments against its disclosure.

Section 552.101 of the Government Code exempts 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 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 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.

In summary, the university must continue to rely on Open Records Letter No. 2015-12015 as a previous determination and withhold the information we previously ruled in accordance with the prior ruling. The submitted information may be released only 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 cursive script that reads "Abigail T. Adams".

Abigail T. Adams  
Assistant Attorney General  
Open Records Division

ATA/akg

Ref: ID# 576978

Enc. Submitted documents

c: Requestor  
(w/o enclosures)