



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 1, 2016

Ms. Heather Silver
Assistant City Attorney
Office of the City Attorney
City of Dallas
1500 Marilla Street, Room 7DN
Dallas, Texas 75201

OR2016-07290

Dear Ms. Silver:

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# 603866.

The City of Dallas (the "city") received a request for animal adoption information during a specified period. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted representative sample of information.²

¹You acknowledge the city failed to comply with its procedural requirements in asking this office for a ruling. *See* Gov't Code § 552.301(b). However, section 552.101 of the Government Code provides a compelling reason for non-disclosure. *See id.* § 552.302; *Simmons v. Kuzmich*, 166 S.W.3d 342, 350 (Tex. App.—Fort Worth 2005, no pet.); *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.—Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to section 552.302); Open Records Decision No. 630 (1994). Accordingly, we will consider the city's assertion of that exception.

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 those submitted to this office.

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 section 826.0311 of the Health and Safety Code, which provides:

(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 [the Act].

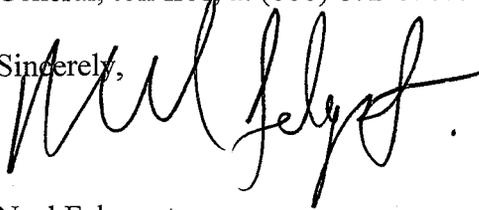
(b) The information may be disclosed only to a governmental entity or a person that, under a contract with a governmental entity, provides animal control services or animal registration services for the governmental entity for purposes related to the protection of public health and safety. A governmental entity or person that receives the information must maintain the confidentiality of the information, may not disclose the information under [the Act], 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). You state the requested information is maintained by the city as part of its pet registry. You assert release of this information would identify or tend to identify the owner of a registered dog or an address, telephone number, or other personally identifying information of the owner of a registered dog. Based on your representations and our review, we find the information we marked identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of a registered dog and is subject to section 826.0311. We have no indication the exception in section 826.0311(b) applies. Accordingly, the city must withhold the information we marked under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health and Safety Code. However, we find you have failed to establish any of the remaining information identifies or tends to identify the owner of a registered dog or cat or consists of an address, telephone number, or other personally identifying information of the owner of a registered dog or cat for purposes of section 826.0311(a). Therefore, the city may not withhold any of the remaining information under section 552.101 of the Government Code in conjunction with section 826.0311 of the Health and Safety Code. As you raise no further exceptions to 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.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 'Neal Falgoust', written over the word 'Sincerely,'.

Neal Falgoust
Assistant Attorney General
Open Records Division

NF/bhf

Ref: ID# 603866

Enc. Submitted documents

c: Requestor
(w/o enclosures)