



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 17, 2016

Ms. Paige Mebane  
Assistant City Attorney  
The City of Fort Worth  
1000 Throckmorton Street, 3rd Floor  
Fort Worth, Texas 76102

OR2016-11289

Dear Ms. Mebane:

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# 613397 (ORR# W050371).

The City of Fort Worth (the "city") received a request for the city's pet registry. The city claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Initially, we note the submitted information contains e-mail addresses of members of the public. Section 552.137 of the Government Code excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c).<sup>1</sup> *See* Gov't Code § 552.137(a)-(c). Section 552.137 does not apply to a government employee's work e-mail address because such an address is not that of the employee as a "member of the public," but is instead the address of the individual as a government employee. The e-mail addresses at issue do not appear to be of a type specifically excluded by section 552.137(c). The city does not inform us a member of the public has affirmatively consented to the release of any e-mail

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<sup>1</sup>The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body. *See* Open Records Decision Nos. 481 at 2 (1987), 480 at 5 (1987).

address contained in the submitted materials. Therefore, the city must withhold the submitted e-mail addresses of members of the public under section 552.137 of the Government Code.<sup>2</sup>

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 section 826.0311 of the Health and Safety Code, which reads, in part, as follows:

(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]. The information contained in the registry may not include the social security number or the driver’s license number of the owner of the registered animal.

(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). The city states the submitted information consists of the city’s pet registry. It also asserts the exceptions found in section 826.0311(b) of the Health and Safety Code are not applicable. Upon review, we agree the city must withhold the names, addresses, and telephone numbers of registered dog owners in the submitted pet registry under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. However, the remaining information does not identify an owner of a dog or cat. Therefore, the remaining information is not confidential under section 826.0311(a), and the city may not withhold under section 552.101 on that ground.

To conclude, the city must withhold the submitted e-mail addresses of members of the public under section 552.137 of the Government Code. The city must also withhold the names, addresses, and telephone numbers of registered dog owners in the submitted pet registry

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<sup>2</sup>As our ruling is dispositive, we do not address the arguments of the city to withhold this information.

under section 552.101 of the Government Code in conjunction with section 826.0311(a) of the Health and Safety Code. 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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/eb

Ref: ID# 613397

Enc. Submitted documents

c: Requestor  
(w/o enclosures)