

- SUBJECT:** Confidentiality of dog and cat registries and rabies vaccinations records
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 6 ayes — Ramsay, G. Lewis, B. Brown, Chisum, Farabee, Swinford
0 nays
3 absent — Hilderbran, Krusee, Salinas
- WITNESSES:** For —Elbert C. Hutchins, Texas Veterinary Medical Association
Against —None
- BACKGROUND:** The Public Information Act, ch. 552, Government Code, guarantees public access to information concerning governmental bodies. Certain information is excepted from an open records request if that information is considered to be confidential by law. For example, trade secrets are excepted from requirements under the act.
- DIGEST:** HB 3262 would make confidential any information contained in rabies vaccination certificates and in municipal or county dog and cat registries that would identify the owner. The information would not be subject to disclosure under the Public Information Act. Included would be information such as an address, telephone number, or other personally identifying information.
- Such information could not be disclosed to a government entity except for purposes of health and safety. A government entity receiving the information could not disclosure it for any purpose other than health and safety. Violation of these provisions would be a misdemeanor punishable by up to 180 days in jail and/or a maximum fine of \$1,000.
- This bill would apply to information in rabies vaccination certificates and cat and dog registries regardless of when the information in those documents was obtained. It would apply only to disclosure of such information on or after the bill's September 1, 1999, effective date.

**SUPPORTERS
SAY:**

Some municipalities have passed ordinances requiring veterinarians to turn over their vaccination records to the city. Information in these records also contains personal information concerning pet owners. Certain businesses have requested this information under the open records law. However, then-Attorney General Dan Morales ruled in an informal letter that this information was protected as a trade secret and could not be released.

HB 3262 would clarify in law that these records are confidential and would prohibit disclosure of personal information contained in them. If municipalities enact ordinances requiring veterinarians to submit information about their clients, municipalities should be prohibited from releasing that personal information to the public.

HB 3262 would protect health and safety by allowing government entities to release rabies and pet registration records for that purpose only. It would protect confidentiality of existing records by providing that it would apply to information in these records no matter when that information was gathered.

**OPPONENTS
SAY:**

HB 3262 would exempt records that contain information that should be accessible to the public. Anyone who buys a pet from a breeder would be prohibited from researching whether the animal is current on vaccinations. Likewise, owners that need to leave their pet with a kennel would have no way to find out if other animals there had been vaccinated.

Information about business clients, such as names and addresses, do not constitute a trade secret. HB 3262 would protect one particular industry's access to their clients to prevent competition. Information contained in the records that would constitute a trade secret is already exempted from the open records law.

HB 3262 should clearly define what situations would qualify as "protecting public health and safety." This term is too vague and could prevent the public from finding out about dangerous animals.