



The Attorney General of Texas

December 31, 1982

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Equal Opportunity/
Affirmative Action Employer

Mr. Edward H. Perry
Assistant City Attorney
City Hall
Dallas, Texas 75201

Open Records Decision No. 355

Re: Availability under the
Open Records Act of complaints
received by Dallas Environ-
mental Health and Conservation
Department

Dear Mr. Perry:

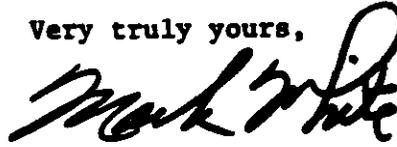
The Environmental Health and Conservation Department of the city of Dallas enforces local and state requirements pertaining to air pollution. Enforcement options available to the department include criminal prosecution for violations of city ordinances, regulations, or the Texas Penal Code. Violations of city ordinances constitute Class C misdemeanors.

The Air Pollution section of the department has received a request from the president of a particular corporation for records of all complaints concerning his company that were made to that section between July 1980 and July 1981. Your letter to this office indicates that you regard the nature of the complaints as public information. You contend, however, that the names, addresses, or any other information that would tend to reveal the identity of complainants may be withheld from public disclosure. You seek our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether this information may be protected. You base your claim upon section 3(a)(1) -- specifically, the informer's privilege -- and section 3(a)(8) of the act.

We recently dealt with an Open Records Act request which, in all material respects, was identical to yours. In Open Records Decision No. 279 (1981), we determined that the identity of a person who reports a zoning ordinance violation to a city is excepted from disclosure as information deemed confidential by the informer's privilege. There, as here, violators of the ordinance were guilty of criminal offenses -- specifically, Class C misdemeanors.

Based on Open Records Decision No. 279, we conclude that you may withhold the names, addresses, and other information tending to identify the complainants in question.

Very truly yours,



MARK WHITE
Attorney General of Texas

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APPROVED:
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