



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

May 25, 1990

Mr. Ernest A. Emerson  
State Fire Marshall  
State Board of Insurance  
1110 San Jacinto  
Austin, Texas 78701-1998

OR90-205

Dear Mr. Emerson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9161.

The State Fire Marshall's Office received an open records request for a copy of a particular fire investigation report. You contend that the Confidential Investigation Report comes under the protection of the informer's privilege aspect of section 3(a)(1) of the Open Records Act "due to its identification of both informants and suspects." The "informer's privilege" aspect of section 3(a)(1) protects the identity of persons who report violations of the law. The privilege does not, however, protect the contents of communications if they do not reveal the identity of the informant. Roviaro v. United States, 353 U.S. 53, 60 (1957). We have marked the portions of the report that you may withhold pursuant to the informer's privilege; the remaining information must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-205.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/RWP/le

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Ref.: ID# 9161

Enclosure: Marked documents

cc: Tom Boggess  
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