



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

June 15, 1990

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

OR90-248

Dear Mr. Perry:

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# 8802.

We have considered the exception you claimed, specifically the informer's privilege as incorporated into the Open Records Act by section 3(a)(1), and have reviewed the documents at issue.

The informer's privilege is a well established aspect of section 3(a)(1). The informer's privilege has been recognized by this office in over 25 published opinions. See, e.g., Open Records Decisions Nos. 549 (1990), 515 (1988), and authorities cited therein. The informer's privilege serves to encourage the flow of information to the government by protecting the identity of the informer. If the contents of the informer's statement would tend to reveal the identity of the informer, the privilege protects the statement itself to the extent necessary to preserve the informer's anonymity. Id. The privilege includes the identity of informants providing information to administrative officials having a duty of inspection in their particular spheres. 8 J. Wigmore, Evidence in Trials at Common Law § 2374, at 767 (McNaughton rev. 1961).

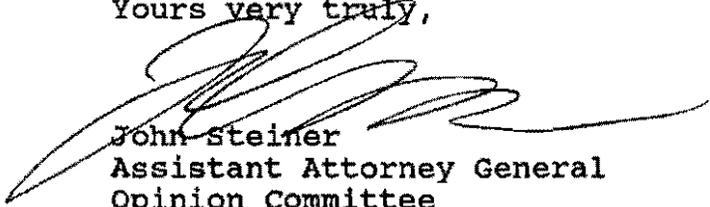
You seek to withhold the identities of persons requesting or using certain municipal property or services and the identities of persons delivering animals to the city. These persons are not informants, rather they are participants in a city program which makes animal traps available or users of a city service which accepts stray animals. The identities of such persons are not protected by the informant's privilege under existing Texas precedent.

We are unaware of any authority, and you have cited none, which would extend the informer's privilege to persons requesting or using municipal property or services. Documents revealing such information may not be withheld from public disclosure under the informer's privilege.

Accordingly, only information identifying a complainant may be deleted from records of complaints. Open Records Decision No. 156 (1977). The balance of the information submitted for our inspection 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 OR90-248.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 8802, 8938

cc: Mr. Charles Thoeming
Attorney at Law
200 Providence Tower, East L.B.Z.
5001 Spring Valley Road
Dallas, Texas 75244-3910