



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

January 23, 1991

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Texas Department of Criminal Justice  
Institutional Division  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR91-040

Dear Mr. Peck:

You ask for reconsideration or letter ruling OR90-568. You seek clarification regarding whether certain information is excepted from required public disclosure under section 3(a)(8) of the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11359.

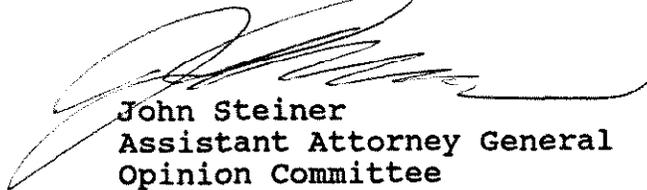
We have considered the exception you claimed, specifically 3(a)(8), and have reviewed the documents at issue. In OR90-568 we noted that the policy underlying the informer's privilege ordinarily does not support extending the privilege to cover statements made by public employees about public business. However, based on the additional information you have provided concerning the applicability of section 3(a)(8), we agree that the release of the names of correctional officers who made statements regarding the internal affairs investigation in question and information that would tend to identify those officers would unduly interfere with law enforcement functions of the Department of Criminal Justice. See, e.g., Open Records Decision No. 413 (1990).

It appears that virtually all the statements in question and narratives describing the statements will tend to identify the persons making the statements. However, you are in the best position to make this determination and we will rely on you for this purpose. For this reason, you may withhold the requested information.

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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 OR91-040.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/le

Ref.: ID# 11359

cc: Jane K. Swanson  
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