



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 6, 1991

Mr. Robert E. Diaz  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-0231

OR91-264

Dear Mr. Diaz:

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# 10839.

We have considered the exceptions you claimed, 3(a)(1) and 3(a)(8) specifically, and have reviewed the documents at issue. The requestor seeks information that would identify a citizen who reported the violation of a city ordinance to the city police department.

Section 3(a)(8) excepts from public disclosure

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

We agree that this section authorizes you to withhold information identifying the informant/witness in this case. Although you have informed us that the resolution of this case is no longer pending, prior decisions of this office have established that section 3(a)(8) may apply to closed investigatory files. See Open Record Decision Nos. 297 (1981); 252 (1980); 216 (1978); 127 (1976). In Open Record Decision No. 252, this office noted that whether legitimate reasons for withholding information under section 3(a)(8) exist in an inactive investigatory file must be determined on a case-by-case basis. Open Records Decision No. 252 at 2.

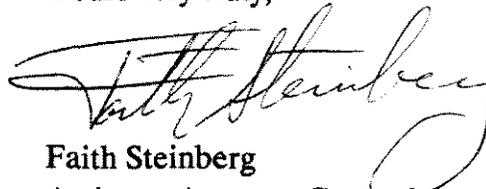
Where it is apparent from an examination of the facts of the particular case that disclosure might either subject the witnesses

to possible intimidation or harassment or harm the prospects of future cooperation between witnesses and law enforcement officers, the names and statements of witnesses may be withheld.

*Id.* at 4. In the present case, you have demonstrated to us that you have good reason to believe that release of information identifying the complainant would subject him or her to intimidation or abuse, and interfere with the police department's ability to obtain information about violations of the law in the future. You may therefore withhold the requested information under section 3(a)(8).

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 OR91-264.

Yours very truly,



Faith Steinberg  
Assistant Attorney General  
Opinion Committee

FS/lb

Ref.: ID# 10839

Enclosure: Open Records Decision No. 252

cc: Mr. Charles Caddell  
4409 Willow Tree  
Arlington, TX.