



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 17, 1992

Mr. Lawrence J. Levine
Hood County Auditor
Hood County
Room 4 Courthouse
Granbury, Texas 76048

OR92-346

Dear Mr. Levine:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S article 6252-17a. Your request was assigned ID# 16328.

As Hood County Auditor, you have received an Open Records Act request for "copies of the actual working papers" you used while conducting two audits of the district attorney's drug forfeiture account. You contend that these records are excepted from required public disclosure by sections 3(a)(1), 3(a)(8), and 3(a)(16) of the Open Records Act.

Section 3(a)(16) protects "the audit working papers of the State Auditor." Section 3(a)(16) by implication makes audit working papers other than those of the state auditor public, unless they are covered by some other exception. Open Records Decision No. 211 (1978). Accordingly, unless the requested documents come under the protection of the other exceptions you claim, the records must be released.

The "informer's privilege" aspect of section 3(a)(1) protects the identity of persons who report violations of the law to officials responsible for enforcing those laws. Because the privilege is intended to prevent retaliation against informants, the privilege does not apply when the informant's identity is already known to the party complained of. See Open Records Decision No. 208 (1978). After reviewing the requested documents, this office, noting the frequent "CI" designation in some of the records, could not identify any information that revealed an informant's identity. To the extent, however, that confidential informants' names are contained in the records at issue, you may withhold those names. You may also withhold any other

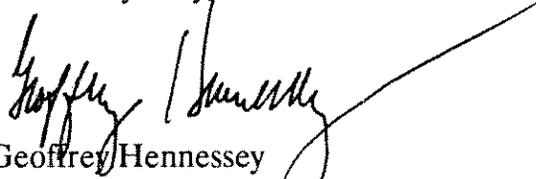
information, such as telephone numbers, that tends to reveal the identities of informants, provided the informant's identity has not previously been revealed to the party complained of. *See also* Open Records Decision No. 333 (1982) (identities of police "contacts" protected by section 3(a)(8)).

You also contend that the requested records are excepted by section 3(a)(8), the "law-enforcement" exception. If law enforcement records do not show on their face that public disclosure would unduly interfere with law enforcement or prosecution, the governmental body must identify the particular records which will do so, and the particular explanation applicable to them. Open Records Decision No. 434 (1986).

This office has previously held that section 3(a)(8) protects information that would reveal the identity of those engaged in undercover narcotics work. Open Records Decision No. 211 (1978). You may therefore withhold the names of all undercover officers that appear in the requested records. Section 3(a)(8) also protects information that would reveal when and where employees had traveled on sensitive assignments. *Id.* Although some of the records at issue reflect travel expenses, they do not reveal the purpose for which the travel was undertaken. Unless you submit to this office within 7 days of receipt of this letter additional information explaining how the release of these records would unduly interfere with law enforcement, this office will find that you have not met your burden under section 3(a)(8) regarding these records. Because you have not demonstrated how the release of the remaining records would unduly interfere with law enforcement, you must release these records at this time.

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 OR92-346.

Yours very truly,


Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/RWP/lmm

Ref.: ID# 16328

cc: Ms. Roberta White
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