



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1995

Mr. John S. Schneider, Jr.
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR95-1272

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 36081.

The City of Pasadena Police Department received an open records request for certain call for service records regarding two addresses in Pasadena, one of which is an apartment in an apartment complex. You contend that the informer's privilege recognized under section 552.101 of the Government Code excepts from disclosure some or all of the requested information. You also contend that some of the requested information is excepted from disclosure by section 552.101 because it involves juveniles. You have submitted for review the call for service records regarding all the apartments at the same location as the apartment for which the call for service records were requested.¹

We conclude that the informer's privilege excepts from disclosure all of the submitted information, if any, that was actually requested, unless the person who has cause to resent the communication knows the identity of the informer. The informer's privilege protects the identity of persons who report possible violations of the law to the officials charged with enforcing that law. Open Records Decision No. 515 (1988) at 5. Under the informer's privilege, the names and addresses of informers can be withheld.

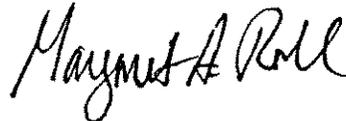
¹We assume that the records you submitted to this office are representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

See Open Records Decision No. 355 (1982). The informer's privilege does not, however, apply when the identity of the informer is known to the person who would have cause to resent the communication. Open Records Decision No. 208 (1978) at 1. In this case, the requestor apparently seeks a record of all the calls for service made from a particular apartment in the apartment complex for which you submitted records to this office. Because the requestor seeks information regarding only one apartment, revealing this information, if it exists, would also reveal the probable identity of an informer. Therefore, you may withhold any information about the calls for service from the specific apartment about which the requestor asks, unless the person complained about already knows the identity of the informer. The remainder of the information you submitted for review is not being requested and, thus, does not need to be released.

We assume that the other address about which information was requested also refers to a single dwelling. If it does, you may also withhold any information about calls for service from that dwelling.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/rho

Ref: ID# 36081

Enclosures: Submitted documents

cc: Mr. James Oreschnigg
P.O. Box 1149
Fresno, Texas 77545
(w/o enclosures)