



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 21, 1996

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

OR96-0215

Dear Mr. John Schneider:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID # 38275.

The City of Pasadena (the "city") received a request for certain information comprising the complaints pertaining to parking in a specific location. You have submitted five letters for our review and you contend the requested information is excepted from required public disclosure under the informer's privilege aspect of section 552.101 of the Government Code.

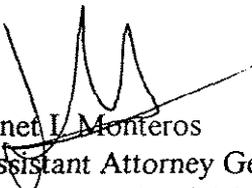
The Texas courts have recognized the informer's privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). It protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. Open Records Decision Nos. 515 (1988) at 3, 208 (1978) at 1-2. The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision No. 279 (1981) at 2 (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. *See* Open Records Decision Nos. 582 (1990) at 2, 515 (1988) at 4-5.

Three letters reveal a complaint over a "dangerous traffic situation," with some general comments on accidents occurring near a particular curve. Where statements evidence no wrongdoing or violation of law, they are not protected by the informer's privilege. Open Records Decision No. 549 (1990); *see* Open Records Decision No. 515 (1988) (where letters do not describe conduct which is clearly criminal, they are not excepted by the informer's privilege).

You have not specified what, if any, violation of civil or criminal statute, or ordinance has occurred which involves the parking of the motor home on a street curve. Open Records Decision No. 582 (1990) at 2. Consequently, the informer's privilege is not applicable to the instant case; you must disclose the five letters to the requester.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/ch

Ref.: ID# 38275

Enclosures: Submitted documents

cc: B.G. Callaway  
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Pasadena, Texas 77502  
(w/o enclosures)