



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1996

Mr. Edwin M. Snyder
First Assistant City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR96-2445

Dear Mr. Snyder:

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# 35472.

The City of Plano Health Department (the "city") received a request for the name of the person who filed a complaint concerning the requestor's automobile. You have submitted a marked copy of the requested information for our review, and claim that it is protected from disclosure pursuant to the "informer's privilege" aspect of section 552.101 of the Government Code.

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.

In this instance, you explain that the record at issue involves an alleged violation of a city ordinance. Such violations are subject to civil penalties. We conclude that you may withhold the marked portions of the documents which identify the complainant.

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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/rho

Ref.: ID# 35472

Enclosure: Marked document

cc: Stephen R. Burgess
2713 Crow Valley Trail
Plano, Texas 75023
(w/o enclosure)