



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1998

Mr. Hollis D. Young
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR98-2267

Dear Mr. Young:

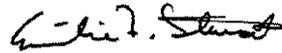
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 118929.

The City of San Antonio received a request for the name of a complainant who alleged that Fiesta Kennels was treating animals cruelly in violation of section 42.09 of the Penal Code. You claim that the information requested is confidential by law under section 552.101 of the Texas Government Code, protecting from disclosure information covered by the "informers privilege." We have considered the exception you claim and have reviewed the documents at issue.

The Texas courts long have recognized the informer's privilege, *see Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969); *Hawthorne v. State*, 10 S.W.2d 724, 725 (Tex. Crim. App. 1928), and it is a well-established exception under the Open Records Act, Open Records Decision No. 549 at 4 (1990). The informer's privilege protects the identities of individuals 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" and those who report violations of statutes to the police or similar law-enforcement agencies. Open Records Decision No. 279 at 2 (1981)(citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). In addition to the informant's name, the informers privilege covers information, such as a telephone number, that would tend to identify the informant. Open Records Decision Nos. 582 at 2 (1990), 579 at 8 (1990) Inasmuch as the report must be of a violation of a criminal or civil statute *See* Open Records Decision Nos. 582 at 2 (1990), 515 at 4-5 (1988) and you have represented that the report concerned an alleged violation of section 42.09 of the Penal Code, you may withhold the requested information.

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 record 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,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 118929

Enclosures: Submitted document

cc: Sam Roach
Fiesta Kennels
17725 Babcock Road
San Antonio, Texas 78255
(w/o enclosures)