



November 23, 1999

Mr. John Speed  
Executive Director  
Texas Board of Professional Engineers  
P.O. Drawer 18329  
Austin, Texas 78760-8329

OR99-3359

Dear Mr. Speed:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 130032.

The Texas Board of Professional Engineers (the “board”) received a written request for “the name of the individual and firm who filed” a complaint against the requestor. You contend the requested information is made confidential under article 3271a, V.T.C.S. and therefore must be withheld from the public pursuant to section 552.101 of the Government Code. You also contend that the information is excepted from required public disclosure pursuant to the “informer’s privilege.”

Section 552.101 of the Government Code protects from public disclosure information made confidential by statute. Section 22a of article 3271a provides as follows:

(a) The Board shall keep an information file about each complaint filed with the Board relating to a license holder.

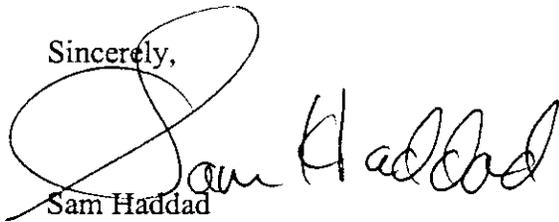
(b) If a written complaint is filed with the Board relating to a license holder, the Board, at least as frequently as quarterly, shall notify the parties to the complaint of the status of the complaint until final disposition unless the notification would jeopardize an undercover investigation.

(c) The Board shall adopt rules that permit the Board to receive and investigate confidential complaints against license holders or any other person who may have violated this Act. *The Board shall maintain the confidentiality of the complaint during the investigation of the complaint.* [Emphasis added.]

Because you characterize the board's investigation of the requestor as "pending," we conclude that section 22A(c) of article 3271a makes the identity of the individual who filed the complaint confidential. The board, therefore, must withhold the requested information pursuant to section 552.101 of the Government Code.<sup>1</sup>

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.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/nc

Ref.: ID# 130032

cc: Mr. Darrell J. Schultz  
P.O. Box 23331  
Waco, Texas 76702-3331  
(w/o enclosures)

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<sup>1</sup>Because we resolve your request under article 3271a, we need not address the applicability of the "informer's privilege."