



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 10, 2009

Ms. Martha T. Williams  
Olson & Olson L.L.P.  
Attorney for City of Friendswood  
Wortham Tower  
2727 Allen Parkway, Suite 600  
Houston, Texas 77019

OR2009-17468

Dear Ms. Williams:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 364203.

The City of Friendswood (the "city"), which you represent, received a request for information regarding any complaints made about the requestor's property. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses the informer's privilege, which has long been recognized by Texas courts. *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 at 3 (1988), 208 at 1-2 (1978). 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 at 2 (1981) (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 at 2 (1990). The privilege excepts the informer's statement only to the extent necessary to protect that informer's identity. *Roviaro v. United States*, 353 U.S. 53, 60 (1957); Open Records Decision No. 549 at 5 (1990).

You state the submitted information relates to reports of an alleged violation of the city's Code of Ordinances. We understand the report was made to the city department that is responsible for enforcing such ordinances. You inform us that a violation of this kind constitutes a class C misdemeanor, which can result in a fine up to \$2000. On this basis, we conclude that the city may withhold the identity of the informer, which we have marked, under section 552.101 of the Government Code in conjunction with the informer's privilege. However, you have failed to demonstrate that the remaining information identifies an informant; therefore, no portion of the remaining information may be withheld under section 552.101 of the Government Code on this basis. As you raise no further exceptions to disclosure, the remaining information must be released to the requestor.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/rl

Ref: ID# 364203

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)