



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 12, 2010

Ms. Martha T. Williams
Olson & Olson, L.L.P.
Attorneys at Law
2727 Allen Parkway
Houston, Texas 77019

OR2010-05110

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# 375498.

The City of Friendswood (the "city"), which you represent, received a request for information relating to a specified report. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. You raise section 552.101 in conjunction with the common-law informer's privilege, which Texas courts have long recognized. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). The informer's privilege protects 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. *See Open Records Decision Nos. 515 at 3 (1998), 208 at 1-2 (1978)*. The 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." *See 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), 515 at 4-5*.

You state the submitted information relates to a complaint about a potential violation of state law. Upon review, however, we note that the request reflects that the subject of the complaint already knows the identity of the informant. Accordingly, we conclude that you have failed to demonstrate the applicability of the common-law informer's privilege with

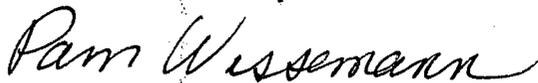
regard to the submitted information. Therefore, no portion of the submitted information may be withheld under section 552.101 in conjunction with the common-law informer's privilege.

You assert that portions of the submitted information contain confidential motor vehicle record information pursuant to section 552.130 of the Government Code. Section 552.130 provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. *See* Gov't Code § 552.130(a)(1), (2). Section 552.130 is intended to protect privacy interests. We note the requestor is the individual to whom the submitted motor vehicle record information belongs. Section 552.023 of the Government Code provides that a person or a person's authorized representative has a special right of access to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect the person's privacy interests. *Id.* § 552.023(a). Thus, the requestor has a right of access to his own motor vehicle record information and it may not be withheld from him under section 552.130. As no other exceptions to disclosure are raised, the submitted information must be released.¹

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, 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,



Pamela Wissemann
Assistant Attorney General
Open Records Division

PFW/cc

¹We note that because the requestor has a special right of access to information being released that would otherwise be confidential, the city must again seek a decision from this office if it receives another request for the same information from a different requestor.

Ref: ID# 375498

Enc. Submitted documents

c: Requestor
(w/o enclosures)