



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

January 7, 2011

Mr. Ronald J. Bounds
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2011-00425

Dear Mr. Bounds:

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# 406510.

The City of Corpus Christi (the "city") received a request for any and all health inspection reports for twenty-one specified addresses.¹ You state you have released some information to the requestor. 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 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by 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); *Hawthorne v. State*, 10 S.W.2d 724, 725 (Tex. Crim. App. 1928). The

¹You inform us the city received the present request on October 20, 2010. You state the city provided the requestor with an estimate of charges and requested a deposit on October 22, 2010. *See* Gov't Code §§ 552.2615, .263(a). You further inform us the city received a deposit from the requestor on November 3, 2010; thus, that is the date on which the city is deemed to have received the present request. *Id.* § 552.263(e).

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 1-2 (1981) (citing 8 John H. Wigmore, *Evidence in Trials at Common Law*, § 2374, at 767 (J. McNaughton rev. ed. 1961)). However, the informer's privilege does not apply where the informant's identity is known to the individual who is the subject of the complaint. See Open Records Decision No. 208 at 1-2 (1978). The informer's privilege protects the content of the communication only to the extent that it identifies the informant. See Open Records Decision No. 549 at 5 (1990).

You state the submitted information is related to complaints of alleged violations of sections 19-8 and 23-50 of the Corpus Christi City Code of Ordinances (the "code"). You state there are criminal penalties for violation of these ordinances under sections 19-58 and 23-75 of the code. There is no indication the suspects know the identities of the complainants in the submitted information. Therefore, based on your representations and our review of the submitted information, we conclude the city may withhold the information you have marked under section 552.101 of the Government Code in conjunction with the informer's privilege. As the city raises 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, 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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/vb

Ref: ID# 406579

Enc. Submitted documents

c: Requestor
(w/o enclosures)