ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 12, 2014

Ms. Alicia Richardson
City Secretary
City Of North Richland Hills
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR2014-16164

Dear Ms. Richardson:

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# 537868.

The City of North Richland Hills (the "city") received a request for information related to any attacks, bites, or other similar instances involving a specified dog or any complaints regarding the specified dog. You claim some of 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 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 the common-law informer's privilege, which Texas courts have long recognized. *See Aguilar v. State*, 444 S.W.2d 935 (Tex. Crim. App. 1969). The informer's privilege protects from disclosure the identity of a person who has reported activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided the subject of the information does not already know the informer's identity. *See* Open Records Decision No. 208 at 1-2 (1978). The informer's privilege protects the identity of an individual who has reported violations of statutes to the police or similar law-enforcement agencies, as well as an individual who has reported 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)). 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 (1988).

You state the submitted information identifies complainants who reported possible violations of chapter 14 of the city's Code of Ordinances to the city council. We understand the city council oversees the city's Animal Control Office, which you state has the duty to enforce the reported violations. You further state a violation of chapter 14 is considered a misdemeanor. We have no indication the subject of the complaint is aware of the identity of the complainant. Based on these representations and our review, we conclude the city has demonstrated the applicability of the common-law informer's privilege to most of the information you have marked. However, the city has not demonstrated how a portion of the information at issue, which we have marked for release, identifies an individual who made the initial report of a violation of any law over which the city has enforcement authority for purposes of the informer's privilege. Therefore, with the exception of the information we have marked for release, the city may withhold the information you have marked under section 552.101 of the Government Code in conjunction with the common-law informer's privilege.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

Kristi L. Godden
Assistant Attorney General
Open Records Division

KLG/cz

Ref: ID# 537868

Enc. Submitted documents

c: Requestor
(w/o enclosures)