



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 10, 1992

Ms. A. Lynn Nunns  
Assistant City Attorney  
City of Corpus Christi  
P. O. Box 9277  
Corpus Christi, Texas 78469-9277

OR92-13

Dear Ms. Nunns:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14349.

The City of Corpus Christi ("the city") received an open records request for the identities of individuals who filed complaints with the city's Building Inspection Department concerning the requestor's building an extension to his home. Because the complaints alleged violations of a city ordinance, you contend that all information tending to identify the complainants comes under the protection of the informer's privilege and so may be withheld pursuant to section 3(a)(1) of the Open Records Act.

The informer's privilege has been recognized by Texas courts. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). In *Roviaro v. United States*, 353 U.S. 53, 59 (1957), the United States Supreme Court explained the rationale that underlies the informer's privilege:

What is usually referred to as the informer's privilege is in reality the Government's privilege to withhold from disclosure the identity of persons who furnish information of *violations of law to officers charged with enforcement of that law* [citations omitted]. The purpose of the privilege is the furtherance and

protection of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law-enforcement officials and, *by preserving their anonymity*, encourages them to perform that obligation. (Emphasis added.)

The "informer's privilege" aspect of section 3(a)(1) protects the identity of persons who report violations of the law. Although the privilege ordinarily applies to the efforts of law enforcement agencies, it can apply to administrative officials with a duty of enforcing particular laws. Attorney General Opinion MW-575 (1982). In Open Records Decision No. 279 (1981), this office held that the privilege protects the identities of those who report a suspected violation of a zoning ordinance to city officials because such a violation constitutes a Class C misdemeanor. For similar reasons, the privilege protects the requested information here. Although the three "Investigation/Complaint Forms" submitted to this office for review do not contain the names of the complainants, the forms do reveal the telephone numbers and other information that tends to reveal the identity of the complainants. We have marked the information that the city may withhold pursuant to the informer's privilege.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-13.

Yours very truly,



Kay H. Guarardo  
Assistant Attorney General  
Opinion Committee

KHG/RWP/lcd

Ref.: ID# 14349  
ID# 14355

Enclosures: Marked documents

cc: Mr. Donald Nelson  
6033 Williston Drive  
Crestmont Ten  
Corpus Christi, Texas 78415  
(without enclosures)