



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 17, 1992

Ms. Cathy J. Sisk  
Assistant County Attorney  
Harris County  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR92-16

Dear Ms. Sisk:

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 #13858.

You have received a request for information relating to complaints filed with the Harris County Pollution Control Department ("the HCPCD").<sup>1</sup> Specifically, the requestor seeks (1) the names and addresses of people who spoke at a certain public meeting; (2) the locations of certain water wells; and (3) the names and addresses of complainants as they appear on HCPCD complaint forms. You advise us that information in item (1) has been made available to the requestor. You claim, however, that information in items (2) and (3) may be withheld from required public disclosure under the informer's privilege.

The informer's privilege protects the identity of persons who report violations of the law. When information does not describe conduct that violates the law, the informer's privilege does not apply. Open Records Decision Nos. 515 (1988); 191 (1978). Accordingly, the information reported must relate to a possible violation of the law and must be reported to officials having the duty of enforcing

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<sup>1</sup>Because we conclude that the information in question may not be withheld from required public disclosure, we do not consider the application of the ten-day rule in this instance. See V.T.C.S. art. 6252-17a, § 7(a).

particular laws. The complaint you submitted to us for review merely states that the complainant reported a "strong odor." It is the burden of the governmental body seeking to withhold information to demonstrate why an exception applies to the requested information and to explain how the informer's privilege is applicable to the documents at issue. Open Records Decision No. 363 (1983). Because you have made no such demonstration, you may not withhold the requested information from required public disclosure under 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 OR92-16.

Yours very truly,



Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/GK/lcd

Ref.: ID# 13858

cc: Mr. John Muir  
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