



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 28, 1994

Ms. Sandra C. Joseph  
Disclosure Officer  
Office of the Comptroller of Public Accounts  
LBJ State Office Building  
111 E. 17th Street  
Austin, Texas 78774

OR94-088

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.<sup>1</sup> Your request was assigned ID# 22511.

The Comptroller of Public Accounts received a request for a complaint filed against a certain company. You assert the requested information is excepted from required public disclosure by the the informer's privilege as incorporated into the Open Records Act by section 552.101 of the Government Code.

The informer's privilege is actually a governmental body's privilege to withhold from disclosure the identity of persons who furnish information about violations of law to persons charged with enforcement of that law. *See Roviario v. United States*, 353 U. S. 53 (1957). The informer's privilege aspect of section 552.101 of the Government Code excepts information when the informer reports 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. 515 (1988). If the content of the informer's statement tends to reveal the identity of the informer, the privilege protects the statement itself to the extent necessary to preserve the informer's anonymity. *See* Open Records Decision No. 582 (1990).

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<sup>1</sup>The Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1, at 599. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47.

We have determined that the informer's privilege applies in this case. Thus, you may withhold all information that tends to identify the informer under section 552.101 of the Government Code. You must release the remainder of the information. We have marked the documents accordingly.

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 contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kay Guajardo  
Assistant Attorney General  
Open Government Section

KHG/rho

Ref.: ID# 22511

Enclosures: Marked documents