



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 31, 1994

Mr. Larry W. Schenk
City Attorney
City of Longview
P.O. Box 1952
Longview, Texas 75606-1952

OR94-151

Dear Mr. Schenk:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 22392.

The City of Longview (the "city") has received a request for the transcripts of two taped dispatch calls. You do not object to release of one of the transcripts, but claim that the other transcript is excepted from required public disclosure under section 552.101 of the act in conjunction with the informer's privilege.

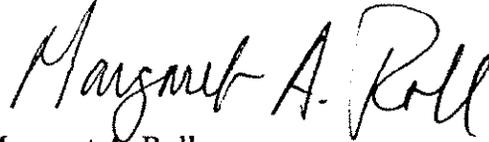
Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The informer's privilege is the government's privilege to protect the identities of individuals who furnish information regarding violations of the law to officers charged with enforcing the law. Open Records Decision No. 515 (1988) at 2 (citing *Roviaro v. United States*, 353 U.S. 53, 59 (1957)). You contend that the informer's privilege applies in this instance because the requested transcript identifies an individual who furnished the city police department with information regarding a violation of the law, *i.e.*, arson. See Penal Code § 28.02. We agree. We have marked the information that may be withheld from required public disclosure under section 552.101 of the act. The remaining information,

¹The Seventy-third Legislature repealed V.T.C.S. article 6252-17a.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 Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

however, does not identify or tend to identify an informant and must be released in its entirety.²

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,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 22392

Enclosures: Submitted documents

cc: Ms. Katherine Blackson
115 Electra Street
Longview, Texas 75602
(w/o enclosures)

²You also assert section 552.103, which protects information relating to pending or reasonably anticipated litigation. You have not explained, however, nor is it otherwise apparent, why section 552.103 is applicable in this instance.