



## Office of the Attorney General

State of Texas

April 29, 1994

DAN MORALES  
ATTORNEY GENERAL

Ms. Sheree L. Rabe  
Assistant City Attorney  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR94-191

Dear Ms. Rabe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 23232.

The City of Georgetown (the "city") received an open records request for a copy of a complaint that an individual made regarding an alleged violation of the city's noise ordinance. You have submitted to this office as responsive to the request a copy of the police report containing details of the complaint. You contend the city may withhold this police report pursuant to the "informer's privilege" as incorporated into section 552.101 of the Government Code.

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.

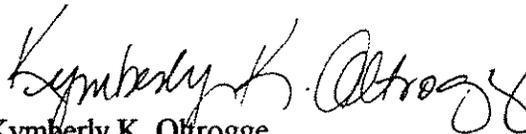
Although the privilege ordinarily applies to the efforts of law enforcement agencies, it may apply to administrative officials with a duty of enforcing particular laws. Attorney General Opinion MW-575 (1982) at 2; Open Records Decision Nos. 285 at 1, 279 at 1-2 (1981); *see also* Open Records Decision No. 208 (1978) at 1-2. This may

include enforcement of quasi-criminal civil laws. *See* Open Records Decision Nos. 515 (1988) at 3; 391 (1983) at 3.

You have demonstrated that a violation of the noise ordinance may result in a civil penalty in the form of a fine not to exceed \$500. We therefore conclude that the informer's privilege is applicable in this instance. However, the privilege protects only information that tends to reveal the identity of the informant. *Roviaro*, 353 U.S. at 60. Accordingly, the city may withhold only the name, address, and telephone number of the individual who reported the violation; the city must release all remaining information contained in the police report.

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 our office.

Yours very truly,



Kimberly K. Offrogge  
Assistant Attorney General  
Open Government Section

KKO/RWP/rho

Ref.: ID# 23232

Enclosure: Submitted document

cc: Mr. Mike Moody  
P.O. Box 526  
Georgetown, Texas 78627  
(w/o enclosures)