



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 8, 1995

Mr. John C. Foshee
Attorney
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR95-249

Dear Mr. Foshee:

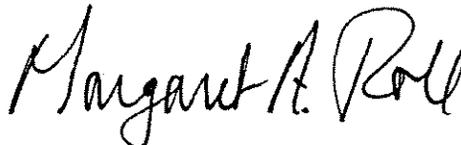
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552. We assigned your request ID# 24419.

The Texas Parks and Wildlife Department (the "department") has received a request for information relating to the termination of a department employee. Specifically, the requestor seeks "a copy of Mr. Lewis E. Scholl['s] personnel file and any other relevant documents concerning the reason or reasons for his termination." You have submitted to us for review exhibits marked A through F. You object to releasing portions of exhibits D and F under section 552.101 of the act in conjunction with the informer's privilege.

The informer's privilege protects from disclosure the identities of persons who report possible violations of the law to the officials charged with enforcing that law. Open Records Decision No. 434 (1986) at 1. However, the informer's privilege aspect of section 552.101 does not protect memoranda and written statements complaining of a fellow employee's work performance when those statements do not reveal the violation of specific laws to the officials charged with enforcing those laws. *See generally* Open Records Decision No. 515 (1988). The documents you submitted to us relate to an internal administrative inquiry for the purpose of possible disciplinary action. The inquiry involved allegations of purchasing irregularities and misappropriation of state property. The records do not, however, relate to any report of unlawful activity for the primary purpose of motivating a criminal investigation and possible prosecution. Therefore, you may not withhold any portions of exhibits D and F under the informer's privilege. The requested information must be released in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 24419

cc: Mr. John Holloway
P.O. Box 90456
Austin, Texas 78756
(w/o enclosures)