



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 5, 1998

Mr. Arthur Val Perkins
Sanford, Kuhl & Perkins
5075 Westheimer Road, Suite 1180
Houston, Texas 77056

OR98-1402

Dear Mr. Perkins:

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# 115675.

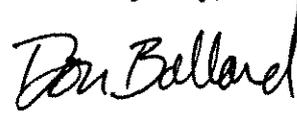
The City of El Lago (the "city") received a request for the identity of a complainant. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. The informer's privilege protects from disclosure the identities of persons who report activities over which the governmental body has criminal or quasi-criminal law-enforcement authority, provided that the subject of the information does not already know the informer's identity. Open Records Decision Nos. 515 (1988) at 3, 208 (1978) at 1-2. The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report 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. 279 (1981) at 2 (citing Wigmore, Evidence, § 2374, at 767 (McNaughton rev. ed. 1961)). The report must be of a violation of a criminal or civil statute. See Open Records Decision Nos. 582 (1990) at 2, 515 (1988) at 4-5.

We have reviewed your arguments for withholding the complainant's identity and conclude that you have shown the applicability of the informer's privilege in this instance. The city therefore may withhold the requested information pursuant to section 552.101 of the Government Code.

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 should not be relied on as a previous

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive style with a large initial "D".

Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/ch

Ref.: ID# 115675

Enclosures: Submitted documents

cc: Mr. H. A. Riggs, Jr.
310 Willow Vista
El Lago, Texas 77586
(w/o enclosures)