



November 9, 1999

Mr. Hugh W. Davis, Jr.
Assistant City Attorney
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102-6311

OR99-3175

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128689.

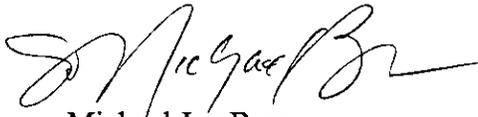
The City of Fort Worth (the “city”) received a request for the name and statement of an individual who reported a building code violation. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with the “informer’s privilege.” You have supplied the responsive complaint form to this office for review. We have considered the exception you claim and reviewed the submitted document.

Section 552.101 of the Government Code excepts “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” The Texas courts have recognized the informer’s privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). It 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 at 3 (1998), 208 at 1-2 (1978). 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 at 2 (1981) (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 at 2 (1990), 515 at 4-5 (1988). The privilege excepts the informer’s statement only to the extent necessary to protect that informer’s identity. Open Records Decision No. 549 at 5 (1990).

You represent to us that the complainant reported a violation of a class "C" misdemeanor which is enforced by the city. We conclude that you may withhold the complainant's name and telephone number under section 552.101 in conjunction with the informer's privilege. The remainder of the complaint form must be released.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 128689

Encl. Submitted documents

cc: Mr. Lee Wood
2211 Clearview
Fort Worth, Texas 76119
(w/o enclosures)