



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

July 31, 2009

Ms. Myrna S. Reingold  
Staff Attorney  
Galveston County  
722 Moody, 5<sup>th</sup> Floor  
Galveston, Texas 77550-2317

OR2009-10658

Dear Ms. Reingold:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 350920.

The Galveston County Health District (the "health district") received a request for records regarding a complaint at a specific address. You state you have released some information to the requestor. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that some of the submitted information is not responsive to the request for information. The request seeks a complaint for a specific address. Accordingly, any information that does not pertain to the specified address is not responsive to the current request. The health district need not release non-responsive information in response to this request, and this ruling will not address that information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses the informer's privilege, which has long been recognized by Texas courts. *See, e.g., Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969); *Hawthorne v. State*, 10 S.W.2d 724, 725 (Tex. Crim. App. 1928). This 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

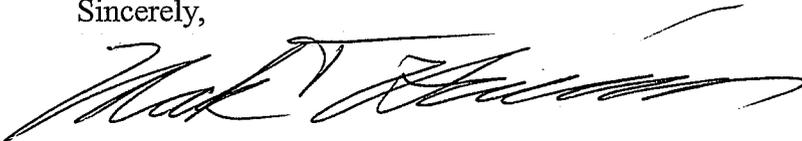
the informer's identity. Open Records Decision Nos. 515 at 3 (1988), 208 at 1-2 (1978). The informer's privilege protects the identities of individuals who report violations of statutes to the police or similar law-enforcement agencies, as well as those who report violations of statutes with civil or criminal penalties to "administrative officials having a duty of inspection or of law enforcement within their particular spheres." Open Records Decision Nos. 279 at 2 (1981), 582 at 2 (1990), 515 at 4-5 (1988).

You state that the submitted information contains identifying information of an individual who reported possible violations of a health district order or state law regarding animal care and control. You state that such violations are misdemeanors punishable by civil fee and/or criminal penalty. You also state that the health district is charged with enforcing these provisions. Having examined these provisions, your arguments, and the information at issue, we agree that the health district may withhold the information you have marked under section 552.101 of the Government Code in conjunction with the informer's privilege.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/sdk

Ref: ID# 350920

Enc. Submitted documents

c: Requestor  
(w/o enclosures)