



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 12, 2011

Mr. Robert Russo  
Walsh, Anderson, Brown, Gallegos and Green, P.C.  
P.O. Box 460606  
San Antonio, Texas 78246

OR2011-00571

Dear Mr. Russo:

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# 405692.

The Bandera Independent School District (the "district"), which you represent, received a request for thirty-nine categories of information pertaining to the requestor's client and her employment with the district.<sup>1</sup> You state the district will release some information to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.135 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.135 of the Government Code provides the following:

- (a) "Informer" means a student or former student or an employee or former employee of a school district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the school district or the proper regulatory enforcement authority.
- (b) An informer's name or information that would substantially reveal the identity of an informer is excepted from [required public disclosure].

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<sup>1</sup>We note the district sought and received clarification regarding this request. See Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

Gov't Code § 552.135. Because the legislature limited the protection of section 552.135 to the identity of a person who reports a possible violation of "law," a school district that seeks to withhold information under the exception must clearly identify to this office the specific civil, criminal, or regulatory law that is alleged to have been violated. *See id.* § 552.301(e)(1)(A). Additionally, individuals who provide information in the course of an investigation, but do not make the initial report, are not informants for purposes of section 552.135 of the Government Code. You state portions of the submitted information reveal the identities of individuals who reported possible violations of law to the district. Upon review, we find section 552.135 is applicable to the portions of the submitted information that identify an informer, which we have marked. However, we find the district has failed to demonstrate how the remaining information reveals the identity of an informer for the purposes of section 552.135. Accordingly, the district must withhold only the information we have marked under section 552.135. Therefore, none of the remaining information may be withheld on that basis. As you raise no further exceptions for the remaining information, it must be released.<sup>2</sup>

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, toll free, at (888) 672-6787.

Sincerely,



Ana Carolina Vieira  
Assistant Attorney General  
Open Records Division

ACV/vb

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<sup>2</sup>Because the requestor has a special right of access to some of the information being released in this instance, if the district receives another request for this information from a different requestor, the department must again seek a ruling from this office. *See* Gov't Code § 552.023.

Ref: ID# 405692

Enc. Submitted documents

c: Requestor  
(w/o enclosures)