



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 16, 2015

Ms. Sarah Ibrahim  
Assistant County Attorney  
Harris County  
1019 Congress Avenue, 15th Floor  
Houston, Texas 77002

OR2015-26414

Dear Ms. Ibrahim:

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# 590938 (C.A. File No. 15PIA0413).

The Harris County Public Health & Environmental Services (the "county") received a request for all information related to a specified call. You claim 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.

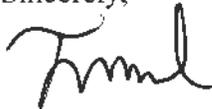
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. You raise section 552.101 in conjunction with the common-law informer's privilege, which Texas courts have long recognized. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). 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 the subject of the information does not already know the informer's identity. *See Open Records Decision No. 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 1-2 (1981)* (citing 8 John H. Wigmore, *Evidence in Trials at Common Law*, § 2374, at 767 (J. 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 (1988)*.

You state the submitted information identifies a complainant who reported violations of a Harris County ordinance to the county. You explain the county is responsible for enforcing the relevant portion of the county ordinances. You also state, and provide documentation demonstrating, a violation of the relevant county ordinance is a misdemeanor punishable by a fine. It does not appear the subject of the complaint knows the identity of the informer. Based upon your representations and our review, we conclude the county has demonstrated the applicability of the common-law informer's privilege to the some of the submitted information, which we have marked. Therefore, the county may withhold the information we have marked under section 552.101 of the Government Code in conjunction with the common-law informer's privilege. However, you have not demonstrated the remaining information identifies an informer for purposes of the common-law informer's privilege; thus, the county may not withhold any portion of the remaining information at issue under section 552.101 of the Government Code on that basis. As you raise no further exceptions to disclosure, the county must release the remaining information.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Tim Neal  
Assistant Attorney General  
Open Records Division

TN/bhf

Ref: ID# 590938

Enc. Submitted documents

c: Requestor  
(w/o enclosures)