



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 8, 2016

Mr. John A. Haislet
Senior Assistant City Attorney
City of College Station
P.O. Box 9960
College Station, Texas 77842

OR2016-00605

Dear Mr. Haislet:

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# 593517 (File No. A15-000956).

The City of College Station (the "city") received a request for all police call records pertaining to a specified address during a specified time period.¹ You state you have released some information. You claim portions of the submitted information are 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 public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses the common-law informer's privilege, which has long been recognized by Texas courts. *See 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). 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 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

¹You indicate the requestor clarified her request for information. *See Gov't Code § 552.222(b)* (stating governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

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.

You state the submitted information contains the identities of complainants who reported possible violations of criminal law to the city’s police department. Further, there is no indication the subjects of the complaints know the identities of the complainants. Thus, the city 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, one of the reporting parties listed in the remaining information is a corporation and not a person. We note the informer’s privilege does not protect the identity of a corporation that reports a violation of the law, as a corporation is not an individual. *See Roviario v. United States*, 353 U.S. 53, 59 (1957); ORD 515 at 2. Thus, the informer’s privilege is not applicable to the information related to the corporation. Further, the city has failed to demonstrate the remaining information identifies an individual who made a report of a criminal or civil violation to the city’s police department. Therefore, the city may not withhold the remaining information under section 552.101 in conjunction with the common-law informer’s privilege. As you raise no other exceptions, the city 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, 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,



Cole Hutchison
Assistant Attorney General
Open Records Division

CH/bhf

Ref: ID# 593517

Enc. Submitted documents

c: Requestor
(w/o enclosures)