



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 23, 2017

Mr. Adam T. Anderson  
Assistant County Attorney  
Montgomery County Attorney's Office  
501 North Thompson, Suite 300  
Conroe, Texas 77301

OR2017-11273

Dear Mr. Anderson:

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# 665356 (ORR File No. 17PIA178).

The Montgomery County Animal Control Authority (the "authority") received a request for five categories of information related to a specified address during a specified time period, a named authority officer, and terminations or resignations of authority employees. You state the authority has released some information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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 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 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 information in Exhibit B reveals the identity of a complainant who reported possible violations of the Montgomery County Code of Ordinances, which carries criminal penalties, to the authority, which is authorized to enforce the ordinances at issue. Based on your representations and our review, we conclude the information we have marked identifies the complainant. Thus, the authority may withhold the information we have marked in Exhibit B under section 552.101 of the Government Code in conjunction with the common-law informer’s privilege. However, you have failed to demonstrate the remainder of the information in Exhibit B consists of the identifying information of an individual who reported a criminal violation to the department for purposes of the informer’s privilege, or that the subject of the information does not already know the informer’s identity. Accordingly, the authority may not withhold the remaining information in Exhibit B under section 552.101 on that basis.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator’s license, driver’s license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. See Gov’t Code § 552.130. Accordingly, the authority must withhold the visible license plates in Exhibits C and D under section 552.130 of the Government Code.

In summary, the authority may withhold the information we have marked in Exhibit B under section 552.101 of the Government Code in conjunction with the common-law informer’s privilege and must withhold the visible license plates in Exhibits C and D under section 552.130 of the Government Code. The authority 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,

A handwritten signature in black ink, appearing to read "Tim Neal". The signature is stylized with a large initial "T" and a cursive "N".

Tim Neal  
Assistant Attorney General  
Open Records Division

TN/nmd

Ref: ID# 665356

Enc. Submitted documents

c: Requestor  
(w/o enclosures)