

SUBJECT: Confidentiality of personal information of attorney general employees

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 9 ayes — Cook, Frullo, Gallego, Geren, Harless, Hilderbran, Huberty, Oliveira, Smithee

0 nays

4 absent — Menendez, Craddick, Solomons, Turner

WITNESSES: *On original bill:*

For — (*Registered, but did not testify:* Bill Elkin; Houston Police Retired Officers Association; Chris Jones, Combined Law Enforcement Associations of Texas; David Russell, Texas Municipal Police Association)

Against — (*Registered, but did not testify:* Keith Elkins, Freedom of Information Foundation of Texas; Michael Schneider, Texas Association of Broadcasters; Ken Whalen, Texas Daily Newspaper Association; Texas Press Association)

BACKGROUND: Government Code, sec. 552.021 requires that public information covered by the Texas Public Information Act be made available to the public at a minimum during the normal business hours of the governmental body responsible for the public information.

Sec. 552.117(a) exempts information covered under sec. 552.021 if it is a home address, home telephone number, or Social Security number, or that reveals the existence of family members of:

- a current or former state employees or officials who have requested that this information not be made available;
- a peace officer or a school-security officer;
- a current or former employee of the Texas Department of Criminal Justice;
- a peace officer, reserve law enforcement officer, game warden, or a corrections officer killed in the line of duty;

- a commissioned security officer; or
- an employee of a community supervision and corrections (probation) department.

Sec. 552.1175(a) also exempts local prosecutors and federal investigators and officers of the Federal Protective Service.

Tax Code, sec. 25.025(a) excepts home address information contained in the property-tax appraisal rolls from disclosure if the individual chooses to restrict public access. This applies to:

- a peace officer;
- a county jailer;
- an employee of TDCJ;
- a commissioned security officer;
- victims of an act of family violence punishable a felony or class A misdemeanor;
- a federal or state judge and the judge's spouse;
- a local prosecutor;
- a probation officer or probation department employee;
- a federal criminal investigator; or
- a police officer or inspector of the Federal Protective Service.

DIGEST:

CSHB 1046 would exempt current and former employees of the Office of the Attorney General who were or had been assigned to a law enforcement division from disclosure of personal or home information under Government Code, sec. 552.117(a). It also would exempt from disclosure, under Tax Code, sec. 25.025(a), the home address information in the property-tax appraisal rolls of these same employees.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

Many employees of the Attorney General's Office are tasked with dangerous work in law enforcement, and their personal information should be protected from those who would retaliate against them. The attorney general's law enforcement divisions are those that directly employ peace officers or investigators. These include the Medicaid fraud division, civil litigators who work on death row appeals, those that defend state law enforcement agencies, and those that assist district and county attorneys.

Current law protects the AG's employees who are peace officers or investigators, but does not cover the attorneys and other support staff who work to prosecute violent and predatory criminals and those who would defraud the state.

While these are state employees who do important work on behalf of the public, CSHB 1046 is narrowly tailored to deal only with those AG employees who work in law enforcement divisions, not all AG employees. The bill would exempt only those AG employees whose line of work made them vulnerable to possible retribution attempts by those they helped to prosecute.

OPPONENTS
SAY:

More public information is better than less public information. State employees are funded with taxpayer dollars, and the public has a right to and should scrutinize them to ensure both that funds are being well spent and that the public purposes they are supposed to execute are being furthered.

NOTES:

The committee substitute differs from the bill as filed in that it would not exempt the personnel records of deputy sheriffs in county's with populations of 300,000 or more.