

BILL ANALYSIS

Senate Research Center

S.B. 1068
By: Wentworth
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain personal information, including telephone numbers and addresses, of current and former employees of governmental bodies, peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice, and information maintained by a family violence shelter center or sexual assault program is not subject to disclosure under the Public Information Act. However, that information can only be redacted from any information that is requested pursuant to the Public Information Act and withheld if a decision is requested from the attorney general.

S.B. 1068 authorizes certain personal information to be redacted from public information without the necessity of requesting a decision from the attorney general and allowing information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 1 (Section 552.024, Government Code), SECTION 2 (Section 552.1175, Government Code), and SECTION 3 (Section 552.138, Government Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.024, Government Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Provides that if the employee or official or former employee or official chooses not to allow public access to the information, the information is protected under Subchapter C (Information Excepted from Required Disclosure), and the governmental body is authorized to redact the information from any information the governmental body discloses under Section 552.021 (Availability of Public Information) without the necessity of requesting a decision from the attorney general under Subchapter G (Attorney General Decisions). Makes nonsubstantive changes.

(c-1) Entitles the requestor, if under Subsection (c)(2) (relating to the authorization of a governmental body to redact information under certain circumstances), a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information is authorized to be redacted or withheld, to seek a decision from the attorney general about the matter. Requires the attorney general by rule to establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. Requires the attorney general to promptly render a decision requested under this subsection, determining whether the redacted or withheld information was expected from required disclosure to the requestor, not later than the 45th business day after the date the attorney general received the request for a decision under this subsection. Requires the attorney general to issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information on a brief to the attorney general about the matter. Authorizes the requestor or the governmental body to appeal a decision of the attorney general under this subsection to a Travis County district court.

(c-2) Requires a governmental body that redacts or withholds information under Subsection (c)(2) to provide certain information to the requestor on a form prescribed by the attorney general.

SECTION 2. Amends Section 552.1175, Government Code, by adding Subsections (f), (g), and (h), as follows:

(f) Authorizes a governmental body to redact information that is required to be withheld under Subsection (b) from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

(g) Entitles the requestor, if, under Subsection (f), a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information is authorized to be redacted or withheld, to seek a decision from the attorney general about the matter. Requires the attorney general by rule to establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. Requires the attorney general to promptly render a decision requested under this subsection, determining whether the redacted or withheld information was excepted from required disclosure to the requestor, not later than the 45th business day after the date the attorney general received the request for a decision under this subsection. Requires the attorney general to issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. Authorizes the requestor or the governmental body to appeal a decision of the attorney general under this subsection to a Travis County district court.

(h) Requires a governmental body that redacts or withholds information under Subsection (f) to provide certain information to the requestor on a form prescribed by the attorney general.

SECTION 3. Amends Section 552.138, Government Code, by adding Subsections (c), (d), and (e), as follows:

(c) Authorizes a governmental body to redact information maintained by a family violence shelter or center or sexual assault program that is authorized to be withheld under Subsection (b)(1) (relating to certain information of an employee or volunteer of a family violence center or sexual assault program exempted from the requirements of Section 552.021) or (6) (relating to certain information of a member of the board of directors or board of trustees of a family violence shelter center or sexual assault program exempted from the requirements of Section 552.021) from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

(d) Entitles the requestor, if, under Subsection (c), a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information is authorized to be redacted or withheld, to seek a decision from the attorney general about the matter. Requires the attorney general by rule to establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. Requires the attorney general to promptly render a decision requested under this subsection, determining whether the redacted or withheld information was expected from required disclosure to the requestor, not later than the 45th business day after the date the attorney general received the request for the decision under this subsection. Requires the attorney general to issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. Authorizes the requestor or the governmental body to appeal a decision of the attorney general under this subsection to a Travis County district court.

(e) Requires a governmental body that redacts or withholds information under Subsection (c) to provide certain information to the requestor on a form prescribed by the attorney general.

SECTION 4. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.151, as follows:

Sec. 552.151. EXCEPTION: PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY. Provides that information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 (Availability of Public Information) if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.

SECTION 5. Effective date: upon passage or September 1, 2009.