

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1563  
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Open Government  
5/1/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Transparency and accountability are important factors in governing. Legislators have realized the value of providing the public with access to information surrounding governmental business. Since the Public Information Act (Act) was originally enacted in 1973 and codified in the Government Code, there have been vast changes to the way business is conducted. The advances in technology over the last few decades have added additional venues and ease to governing, but they have also added a layer of complexity to interpreting the Act.

The attorney general's existing opinions address the issue of new technology and public business being conducted on private accounts, as the Act defines public information by the content of the information as opposed to the media with which it is transmitted.

As governments move to reduce costs and improve efficiencies, the private sector is often utilized to accomplish this. When the Act was written, governmental functions were performed for the most part by governmental entities. Today, there is a more frequent reliance on the private sector. As such, the Act does not explicitly address this issue, but the attorney general's office has in a number of opinions.

C.S.S.B. 1563 seeks to codify existing attorney general's opinions regarding the Act, as they relate to the use of technology and third-party contracts.

C.S.S.B. 1563 amends current law relating to the definition of and access to public information.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 552.002, Government Code, as follows:

Sec. 552.002. DEFINITION OF PUBLIC INFORMATION; MEDIA CONTAINING PUBLIC INFORMATION. (a) Redefines "public information" in this chapter.

(a-1) Provides that information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

(a-2) Provides that the definition of "public information" provided by Subsection (a) applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transmission of official business.

(b) Provides that the media on which public information is recorded include certain items, including a magnetic, optical, solid state, or other device that can store an electronic signal, and any physical material on which information may be recorded including linen. Makes nonsubstantive changes.

(c) Provides that the general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

SECTION 2. Amends Section 552.003, Government Code, by adding Subdivision (2-a), to define "official business."

SECTION 3. Effective date: upon passage or September 1, 2013.