

By: Zaffirini

S.B. No. 45

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to maintenance and production of electronic public  
3 information under the public information law.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 552.002(a-2), Government Code, is  
6 amended to read as follows:

7 (a-2) The definition of "public information" provided by  
8 Subsection (a) applies to and includes:

9 (1) any electronic communication created,  
10 transmitted, received, or maintained on any device if the  
11 communication is in connection with the transaction of official  
12 business; and

13 (2) a data dictionary or other indicia of the type or  
14 category of information held in the applicable field of a database,  
15 other than metadata that directly implicates database security.

16 SECTION 2. Subchapter E, Chapter 552, Government Code, is  
17 amended by adding Section 552.2285 to read as follows:

18 Sec. 552.2285. ELECTRONIC PUBLIC INFORMATION. (a) In this  
19 section "electronic public information" means public information  
20 that is produced and maintained in an electronic spreadsheet or  
21 database that is searchable or sortable.

22 (b) A governmental body's use of an electronic  
23 recordkeeping system may not erode the public's right of access to  
24 public information under this chapter. The contents of electronic

1 public information, including information described by Section  
2 552.002(a-2), is significant and not merely used as a tool for the  
3 maintenance, manipulation, or protection of property.

4 (c) If a request for public information applies to  
5 electronic public information and the requestor requests the  
6 electronic public information in a searchable or sortable format,  
7 the governmental body shall provide an electronic copy of the  
8 requested electronic public information in the searchable or  
9 sortable format requested using computer software the governmental  
10 body uses to access, support, program, manipulate, or otherwise  
11 manage the governmental body's information. If the requestor  
12 prefers, the governmental body shall provide a copy of electronic  
13 public information in the form of a paper printout.

14 (d) A governmental body may not refuse to provide a copy of  
15 electronic public information on the grounds that exporting the  
16 information or redacting excepted information will require  
17 inputting range, search, filter, report parameters, or similar  
18 commands or instructions into the governmental body's computer  
19 system if the commands or instructions can be executed with  
20 computer software used by the governmental body in the ordinary  
21 course of business to access, support, or otherwise manage the  
22 information.

23 (e) A requestor may request that a copy of electronic public  
24 information be provided in the format in which the information is  
25 maintained by the governmental body or in a standard export format  
26 such as a flat file electronic American Standard Code for  
27 Information Interchange (ASCII) if the computer programs used by

1 the governmental body support exporting the information in that  
2 format. The governmental body shall provide the copy in the  
3 requested format or in another format acceptable to the requestor.  
4 The governmental body shall provide the copy on suitable electronic  
5 media.

6 (f) If electronic public information is maintained by a  
7 governmental body in a format that is:

8 (1) searchable but not sortable, the governmental body  
9 shall provide an electronic copy of the information in a searchable  
10 format that complies with this section; or

11 (2) sortable, the governmental body shall provide an  
12 electronic copy of the information in a sortable format that  
13 complies with this section.

14 (g) A governmental body shall use reasonable efforts to  
15 ensure that a contract entered into by the governmental body for the  
16 creation and maintenance of electronic public information does not  
17 impair the public's ability to inspect or copy the information or  
18 make the information more difficult for the public to inspect or  
19 copy than records maintained by the governmental body.

20 (h) This section applies to public information for which a  
21 third party is the custodian for the governmental body.

22 (i) This section does not affect the applicability to  
23 electronic public information of a confidentiality provision or  
24 other exception from required disclosure.

25 (j) Subchapter F applies to an electronic copy or paper  
26 printout of electronic public information.

27 SECTION 3. Section [118.011\(e\)](#), Local Government Code, is

1 amended to read as follows:

2 (e) A county clerk who provides a copy in a format other than  
3 paper of a record maintained by the clerk shall provide the copy and  
4 charge a fee in accordance with Section [~~Sections 552.231 and~~  
5 [552.262](#), Government Code.

6 SECTION 4. Section [552.231](#), Government Code, is repealed.

7 SECTION 5. The changes in law made by this Act apply only to  
8 a request for public information received on or after the effective  
9 date of this Act.

10 SECTION 6. This Act takes effect September 1, 2023.