

AN ACT

relating to the confidentiality of e-mail addresses under the public information law and legislative use of certain confidential information; creating an offense.

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

SECTION 1. Section 552.137, Government Code, is amended to read as follows:

Sec. 552.137. CONFIDENTIALITY OF CERTAIN E-MAIL ADDRESSES.

(a) Except as otherwise provided by this section, an [An] e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.

(b) Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

(c) Subsection (a) does not apply to an e-mail address:

(1) provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;

(2) provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;

(3) contained in a response to a request for bids or proposals, contained in a response to similar invitations

1 soliciting offers or information relating to a potential contract,
2 or provided to a governmental body in the course of negotiating the
3 terms of a contract or potential contract; or

4 (4) provided to a governmental body on a letterhead,
5 coversheet, printed document, or other document made available to
6 the public.

7 (d) Subsection (a) does not prevent a governmental body from
8 disclosing an e-mail address for any reason to another governmental
9 body or to a federal agency.

10 SECTION 2. Section 552.352, Government Code, is amended by
11 adding Subsections (a-1) and (a-2) to read as follows:

12 (a-1) An officer or employee of a governmental body who
13 obtains access to confidential information under Section 552.008
14 commits an offense if the officer or employee knowingly:

15 (1) uses the confidential information for a purpose
16 other than the purpose for which the information was received or for
17 a purpose unrelated to the law that permitted the officer or
18 employee to obtain access to the information, including
19 solicitation of political contributions or solicitation of
20 clients;

21 (2) permits inspection of the confidential
22 information by a person who is not authorized to inspect the
23 information; or

24 (3) discloses the confidential information to a person
25 who is not authorized to receive the information.

26 (a-2) For purposes of Subsection (a-1), a member of an
27 advisory committee to a governmental body who obtains access to

1 confidential information in that capacity is considered to be an
2 officer or employee of the governmental body.

3 SECTION 3. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 2032 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2032 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2032 was passed by the Senate, with amendments, on May 28, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor