

By: Harris

S.B. No. 809

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of the public information law to
3 information pertaining to the security or vulnerability of the
4 infrastructure, buildings, or operations of an airport.

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

6 SECTION 1. Subchapter C, Chapter 552, Government Code, is
7 amended by adding Section 552.145 to read as follows:

8 Sec. 552.145. EXCEPTION: INFORMATION RELATED TO THE
9 SECURITY OR VULNERABILITY OF AIRPORT INFRASTRUCTURE, BUILDINGS,
10 AND OPERATIONS. (a) Information is excepted from the requirements
11 of Section 552.021 if it is information that relates to the security
12 or vulnerability of airport infrastructure, buildings, or
13 operations, including:

14 (1) a report or other information on the vulnerability
15 of the infrastructure, buildings, or operations of the airport to
16 attack, unauthorized access, or harm;

17 (2) a security warning, threat assessment, emergency
18 response plan, security preparedness information, or video or audio
19 surveillance media;

20 (3) an architectural, engineering, or other plan or
21 drawing of an airport infrastructure or building, or a plan or
22 drawing relating to the operations of an airport, the release of
23 which could give an advantage to a person intending to attack or
24 gain unauthorized access to an infrastructure, a building, or an

1 operation of the airport or to harm users of the airport; and

2 (4) homeland security information made available to
3 the governmental body by a federal, state, or local law enforcement
4 or security agency on the condition that the information be kept
5 confidential or shared only with another federal, state, or local
6 law enforcement or security agency.

7 (b) Section 552.007(a) does not apply to an item of
8 information described by Subsection (a) merely because the
9 information has been disclosed:

10 (1) to a federal, state, or local law enforcement or
11 security agency; or

12 (2) to a contractor or consultant, or a prospective
13 contractor or consultant, for the purpose of obtaining an
14 evaluation of, a design for, the construction of, or an improvement
15 to an infrastructure or a building of the airport or an evaluation
16 of, design for, or improvement to the maintenance, operation, or
17 security of the infrastructure or building, if the contractor or
18 consultant or the prospective contractor or consultant signs a
19 confidentiality agreement that:

20 (A) prohibits disclosure of the information
21 except as necessary for a purpose described by Subdivision (2); and

22 (B) requires that:

23 (i) the information be labeled as
24 confidential and kept secure;

25 (ii) the number of copies made of the
26 information and any notes taken from the information that implicate
27 the confidential nature of the information be controlled; and

1 (iii) any copy or note that is not destroyed
2 or returned remain confidential and subject to the confidentiality
3 agreement.

4 (c) This section does not limit the application of Section
5 552.101 to information excepted from disclosure by this section.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2003.