

AN ACT

relating to a statistical or demographic analysis conducted by the Texas Legislative Council for a state agency and to information collected by the council in the course of performing the analysis.

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

SECTION 1. Chapter 323, Government Code, is amended by adding Section 323.020 to read as follows:

Sec. 323.020. CONTRACTS TO PERFORM STATISTICAL OR DEMOGRAPHIC ANALYSIS; CONFIDENTIALITY. (a) Subsections (c)-(g) do not apply in relation to a statistical or demographic analysis of information related to the redistricting process.

(b) At the request of a state agency, the council may determine whether and the extent to which council resources are available to contract or otherwise agree with the agency to perform a statistical or demographic analysis of information for the agency or to assist the agency in performing the analysis. A reference in this section to performing an analysis includes assisting an agency to perform the analysis.

(c) Except as provided by this section, information that the council acquires or produces in relation to a statistical or demographic analysis performed under Subsection (b) is confidential and not public information subject to Chapter 552, including:

(1) any information that identifies or tends to

1 identify an individual or other entity that submitted information  
2 or that was asked to submit information for the analysis;

3 (2) working drafts and working papers developed in  
4 performing the analysis;

5 (3) contracts and subcontracts entered into for  
6 purposes of performing the analysis;

7 (4) internal and interagency correspondence sent or  
8 received in the course of performing the analysis;

9 (5) memoranda of understanding entered into in  
10 relation to performing the analysis; and

11 (6) data, data files, databases, computer coding,  
12 computer specification programs, data use agreements, and data  
13 dictionaries acquired or used in performing the analysis.

14 (d) Without regard to whether the council collects  
15 information for purposes of performing a statistical or demographic  
16 analysis of information under Subsection (b) indirectly through the  
17 state agency or directly from another governmental or  
18 nongovernmental entity, an individual or other entity that  
19 voluntarily provides information to the state agency or to the  
20 council for purposes of the analysis does not waive any exception  
21 from required disclosure or any privilege not to disclose the  
22 information, and the character of the information as privileged or  
23 excepted from required disclosure is not affected by that action of  
24 the individual or other entity.

25 (e) A final report containing a statistical or demographic  
26 analysis of information performed under Subsection (b), a cover  
27 letter or cover memorandum for the final report, and an

1 announcement that the final report is available are not  
2 confidential and are subject to required public disclosure under  
3 Chapter 552 except to the extent that the final report, cover letter  
4 or cover memorandum, or announcement contains information that  
5 identifies or tends to identify an individual or entity other than  
6 information that names a staff member who performed work in  
7 relation to performing the analysis or that names government  
8 officials on a letterhead.

9 (f) Notwithstanding Subsection (c)(3), a contract or other  
10 agreement between the council and a state agency under Subsection  
11 (b) and the names of the staff members who perform work in relation  
12 to performing the analysis under the contract or agreement are not  
13 confidential. A contract or agreement between the council and a  
14 state agency under Subsection (b) is public information subject to  
15 Chapter 552.

16 (g) Information that an individual or other entity submits  
17 for the purpose of a statistical or demographic analysis of  
18 information performed by the council under Subsection (b) may not  
19 be used against the individual or other entity in a state agency  
20 enforcement proceeding. This subsection does not affect the  
21 ability of a state agency to obtain the information by other means  
22 and to use the information, if obtained by other means, in a state  
23 agency enforcement proceeding.

24 SECTION 2. Section 552.112, Government Code, is amended by  
25 adding Subsection (c) to read as follows:

26 (c) Information is excepted from the requirements of  
27 Section 552.021 if it is information submitted by an individual or

1 other entity to the Texas Legislative Council, or to any state  
2 agency or department overseen by the Finance Commission of Texas  
3 and the information has been or will be sent to the Texas  
4 Legislative Council, for the purpose of performing a statistical or  
5 demographic analysis of information subject to Section 323.020.  
6 However, this subsection does not except from the requirements of  
7 Section 552.021 information that does not identify or tend to  
8 identify an individual or other entity and that is subject to  
9 required public disclosure under Section 323.020(e).

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1000 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0; May 30, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1000 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 143, Nays 0, one present not voting.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor