

BILL ANALYSIS

H.B. 1237
By: Farabee
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Supreme Court has recognized and reiterated that the express purpose of the Public Information Act (PIA) is to give the public complete information about the affairs of government and the official acts of public officials and employees. The Legislature has recognized that disclosure of a person's home phone number, home address, as well as the person's social security number, and other personal information is confidential and private. The United States Supreme Court has consistently ruled that the purposes of the federal Freedom of Information Act are not served by allowing unrestricted access to personal identifiable information of individuals within government files. This is particularly true when the personal private details do not provide any information about the affairs of government or the official acts of its officials and employees and when more than sufficient information is disclosed to satisfy any legitimate public purpose.

The State Bar of Texas (State Bar) is an administrative agency of the judicial branch in Texas. The PIA specifically excludes the judiciary, including records maintained for the judiciary, from its provisions. The State Bar holds the personal identifying information of licensed attorneys for the judiciary. The State Bar Act requires that the following information be easily accessible to the public: office address and phone information, employment data, educational data, and disciplinary history of all licensed attorneys. In addition to this information, licensed attorneys are required to provide personal information including residential addresses and phone numbers, birth dates, social security numbers, and other information as required by the Clerk of the Supreme Court in order to facilitate the Supreme Court's and State Bar's ability to communicate with an attorney in matters relating to the attorney's law license, including compliance with required Continuing Legal Education, dues, attorney occupation taxes, statutorily mandated fees, and other legal requirements related to licensure. The State Bar regularly receives requests for all information about individual attorneys which encompass personal identifying information. The release of personal information would potentially subject attorneys (including current and former state and federal judges and prosecutors) and their family members to harm relating to their personal safety or possible identity theft.

House Bill 1237 clarifies current law to provide that a licensed attorney may choose to restrict public access to the attorney's home address, home telephone number, email address, social security number, and date of birth.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1237 amends the Government Code to provide that certain personal information belonging to a licensed attorney is not subject to public information requirements. The bill provides for the manner in which a licensed attorney is authorized to make this information confidential and provides that documents filed with a county clerk or a district clerk are exempt from these provisions.

EFFECTIVE DATE

September 1, 2007.

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