

## **BILL ANALYSIS**

S.B. 1299  
By: Wentworth  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, any local government record to which public access is denied under the Public Information Act is, if still in existence, open to public inspection 75 years after it was originally created or received. However, not all public information falls under this requirement. Currently, a governmental body is authorized to release information excepted from disclosure under the Public Information Act, but not deemed confidential by law.

As proposed, S.B. 1299 establishes that information that is not confidential by law, but is excepted from disclosure, is deemed public information after 75 years and becomes subject to disclosure.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 552, Government Code, by adding Section 552.0215, as follows:

Sec. 552.0215. RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER 75 YEARS. (a) Establishes that information that is not confidential but is excepted from required disclosure under Subchapter C (Information Excepted from Required Disclosure), except as specifically provided by other law, including another provision of this chapter (Public Information), is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body.

(b) Provides that this section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

SECTION 2. Effective date: upon passage or September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.