

Amend SB 1182 on third reading by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Section 552.008, Government Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) A member, committee, or agency of the legislature required by a governmental body to sign a confidentiality agreement under Subsection (b) may seek a decision as provided by Subsection (b-2) about whether the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement signed under Subsection (b) is void to the extent that the agreement covers information that is finally determined under Subsection (b-2) to not be confidential under law.

(b-2) The member, committee, or agency of the legislature may seek a decision from the attorney general about the matter. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law, not later than the 45th business day after the date the attorney general received the request for a decision under this subsection. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. The requestor or the governmental body may appeal a decision of the attorney general under this subsection to a Travis County district court. A person may appeal a decision of the attorney general under this subsection to a Travis County district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

(b) Section 552.024, Government Code, is amended to read as follows:

Sec. 552.024. PERSONAL INFORMATION OF EMPLOYEES AND OFFICIALS ~~[ELECTING TO DISCLOSE ADDRESS AND TELEPHONE NUMBER]~~.

(a) Information ~~[Each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information]~~ in the custody of a ~~[the]~~ governmental body that relates to the ~~[person's]~~ home address, home telephone number, or social security number of an employee or official of the governmental body or of a former employee or official of the governmental body, or that reveals whether the person has family members, is excepted from the requirements of Section 552.021.

(b) ~~[Each employee and official and each former employee and official shall state that person's choice under Subsection (a) to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which:~~

~~[(1) the employee begins employment with the governmental body;~~

~~[(2) the official is elected or appointed; or~~

~~[(3) the former employee or official ends service with the governmental body.~~

~~[(c) If the employee or official or former employee or official chooses not to allow public access to the information, the information is protected under Subchapter C.~~

~~[(d) If an employee or official or a former employee or official fails to state the person's choice within the period established by this section, the information is subject to public access.~~

~~[(e)]~~ An employee or official or former employee or official of a governmental body who wishes to ~~[close or]~~ open public access to the information may request in writing that the main personnel officer of the governmental body ~~[close or]~~ open access.

~~[(f) This section does not apply to a person to whom Section 552.1175 applies.]~~

(c) Subsection (a), Section 552.117, Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home

address, home telephone number, or social security number of the following person or that reveals whether the person has family members:

(1) ~~[a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024,~~

~~[(2)]~~ a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section ~~[552.024 or]~~ 552.1175~~[, as applicable];~~

(2) ~~[(3)]~~ a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(3) ~~[(4)]~~ a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section ~~[552.024 or]~~ 552.1175;

(4) ~~[(5)]~~ a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section ~~[552.024 or]~~ 552.1175~~[, as applicable]; or~~

(5) ~~[(6)]~~ an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section ~~[552.024 or]~~ 552.1175.

(d) Section 552.138, Government Code, is amended to read as follows:

Sec. 552.138. EXCEPTION: FAMILY VIOLENCE ~~[SHELTER]~~ CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION. (a) In this section:

(1) "Family violence ~~[shelter]~~ center" has the meaning assigned by Section 51.002, Human Resources Code.

(2) "Sexual assault program" has the meaning assigned by Section 420.003.

(b) Information maintained by a family violence [~~shelter~~] center or sexual assault program is excepted from the requirements of Section 552.021 if it is information that relates to:

(1) the home address, home telephone number, or social security number of an employee or a volunteer worker of a family violence [~~shelter~~] center or a sexual assault program[~~, regardless of whether the employee or worker complies with Section 552.024~~];

(2) the location or physical layout of a family violence [~~shelter~~] center;

(3) the name, home address, home telephone number, or numeric identifier of a current or former client of a family violence [~~shelter~~] center or sexual assault program;

(4) the provision of services, including counseling and sheltering, to a current or former client of a family violence [~~shelter~~] center or sexual assault program;

(5) the name, home address, or home telephone number of a private donor to a family violence [~~shelter~~] center or sexual assault program; or

(6) the home address or home telephone number of a member of the board of directors or the board of trustees of a family violence [~~shelter~~] center or sexual assault program[~~, regardless of whether the board member complies with Section 552.024~~].

(e) Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.150 to read as follows:

Sec. 552.150. EXCEPTION: INFORMATION THAT COULD COMPROMISE SAFETY OF PUBLIC OFFICER OR EMPLOYEE. (a) Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of Section 552.021 if:

(1) it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual, such as information that describes or depicts the likeness of the individual, information stating the times that the individual arrives at or departs from work, a description of the individual's automobile, or the location where the individual works or parks;

and

(2) the employee or officer applies in writing to the governmental body's officer for public information to have the information withheld from public disclosure under this section and includes in the application:

(A) a description of the information; and

(B) the specific circumstances pertaining to the individual that demonstrate why disclosure of the information could reasonably be expected to compromise the safety of the individual.

(b) On receiving a written request for information described in an application submitted under Subsection (a)(2), the officer for public information shall:

(1) request a decision from the attorney general in accordance with Section 552.301 regarding withholding the information; and

(2) include a copy of the application submitted under Subsection (a)(2) with the request for the decision.

(c) This section expires September 1, 2013.

(f) The changes in law made by this section apply in relation to a request for information made under Chapter 552, Government Code, before, on, or after the effective date of the relevant provisions of this Act.

(g) Subsections (b-1) and (b-2), Section 552.008, Government Code, as added by this section, take effect September 1, 2010.