

BILL ANALYSIS

H.B. 2909
By: Marquez
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law states that the 10-day time period to respond to certain requests for public information does not begin until the deposit is received from the requestor. The statute does not specify how to calculate the time period if the requestor modifies or narrows the request instead of paying the deposit.

Current law also requires a governmental body, when requesting a ruling from the attorney general, to provide a sworn statement certifying when a request was received, or to provide sufficient evidence of that date. Sometimes a governmental body cannot accurately determine precisely when a request was received.

Public information laws provide for certain personal information to be confidential. Some of those laws also have provisions that allow that confidential information to be redacted from the information provided to a requestor without a ruling from the attorney general. In other cases, there is no express exemption from the requirement to request a ruling from the attorney general before redacting. As a result, some governmental bodies request rulings from the attorney general just to be able to redact information that is confidential under state law.

H.B. 2909 clarifies that a request modified by a requestor is considered to be a separate request and is considered received on the date the modified request is received by the governmental body. The bill establishes that a written request for information is considered to have been received by a governmental body on the third business day after the date of the postmark if the governmental body cannot document the actual date, and authorizes the governmental body to redact certain information excepted from disclosure without the requirement to request a ruling from the attorney general.

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

H.B. 2909 amends Government Code provisions that exclude, or offer the option to exclude, certain information from required disclosure under the public information law to authorize a governmental body to redact such information from any information the governmental body discloses under that law without the necessity of requesting a decision from the attorney general.

H.B. 2909 establishes that if a requestor of public information modifies a request in response to the requirement of a deposit or bond for payment of anticipated costs for the preparation of a copy of public information, the modified request is considered a separate request and is considered received on the date the governmental body receives the written modified request.

H.B. 2909 establishes that, for the purposes of provisions governing attorney general decisions

on withholding information from public disclosure, if a governmental body receives a written request by the U.S. mail for information and cannot adequately establish the actual date on which it received the request, the written request is considered to have been received by the governmental body on the third business day after the date of the postmark on a properly addressed request.

EFFECTIVE DATE

September 1, 2009.