

AN ACT

relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and allowing information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm.

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

SECTION 1. Section 552.024, Government Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) If the employee or official or former employee or official chooses not to allow public access to the information:

(1) [ ] the information is protected under Subchapter C; and

(2) the governmental body may redact the information from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

(c-1) If, under Subsection (c)(2), a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter. The attorney general by rule

1 shall establish procedures and deadlines for receiving information  
2 necessary to decide the matter and briefs from the requestor, the  
3 governmental body, and any other interested person. The attorney  
4 general shall promptly render a decision requested under this  
5 subsection, determining whether the redacted or withheld  
6 information was excepted from required disclosure to the requestor,  
7 not later than the 45th business day after the date the attorney  
8 general received the request for a decision under this subsection.  
9 The attorney general shall issue a written decision on the matter  
10 and provide a copy of the decision to the requestor, the  
11 governmental body, and any interested person who submitted  
12 necessary information or a brief to the attorney general about the  
13 matter. The requestor or the governmental body may appeal a  
14 decision of the attorney general under this subsection to a Travis  
15 County district court.

16 (c-2) A governmental body that redacts or withholds  
17 information under Subsection (c)(2) shall provide the following  
18 information to the requestor on a form prescribed by the attorney  
19 general:

20 (1) a description of the redacted or withheld  
21 information;

22 (2) a citation to this section; and

23 (3) instructions regarding how the requestor may seek  
24 a decision from the attorney general regarding whether the redacted  
25 or withheld information is excepted from required disclosure.

26 SECTION 2. Section 552.1175, Government Code, is amended by  
27 adding Subsections (f), (g), and (h) to read as follows:

1       (f) A governmental body may redact information that must be  
2 withheld under Subsection (b) from any information the governmental  
3 body discloses under Section 552.021 without the necessity of  
4 requesting a decision from the attorney general under Subchapter G.

5       (g) If, under Subsection (f), a governmental body redacts or  
6 withholds information without requesting a decision from the  
7 attorney general about whether the information may be redacted or  
8 withheld, the requestor is entitled to seek a decision from the  
9 attorney general about the matter. The attorney general by rule  
10 shall establish procedures and deadlines for receiving information  
11 necessary to decide the matter and briefs from the requestor, the  
12 governmental body, and any other interested person. The attorney  
13 general shall promptly render a decision requested under this  
14 subsection, determining whether the redacted or withheld  
15 information was excepted from required disclosure to the requestor,  
16 not later than the 45th business day after the date the attorney  
17 general received the request for a decision under this subsection.  
18 The attorney general shall issue a written decision on the matter  
19 and provide a copy of the decision to the requestor, the  
20 governmental body, and any interested person who submitted  
21 necessary information or a brief to the attorney general about the  
22 matter. The requestor or the governmental body may appeal a  
23 decision of the attorney general under this subsection to a Travis  
24 County district court.

25       (h) A governmental body that redacts or withholds  
26 information under Subsection (f) shall provide the following  
27 information to the requestor on a form prescribed by the attorney

1 general:

2 (1) a description of the redacted or withheld  
3 information;

4 (2) a citation to this section; and

5 (3) instructions regarding how the requestor may seek  
6 a decision from the attorney general regarding whether the redacted  
7 or withheld information is excepted from required disclosure.

8 SECTION 3. Section 552.138, Government Code, is amended by  
9 adding Subsections (c), (d), and (e) to read as follows:

10 (c) A governmental body may redact information maintained  
11 by a family violence shelter center or sexual assault program that  
12 may be withheld under Subsection (b)(1) or (6) from any information  
13 the governmental body discloses under Section 552.021 without the  
14 necessity of requesting a decision from the attorney general under  
15 Subchapter G.

16 (d) If, under Subsection (c), a governmental body redacts or  
17 withholds information without requesting a decision from the  
18 attorney general about whether the information may be redacted or  
19 withheld, the requestor is entitled to seek a decision from the  
20 attorney general about the matter. The attorney general by rule  
21 shall establish procedures and deadlines for receiving information  
22 necessary to decide the matter and briefs from the requestor, the  
23 governmental body, and any other interested person. The attorney  
24 general shall promptly render a decision requested under this  
25 subsection, determining whether the redacted or withheld  
26 information was excepted from required disclosure to the requestor,  
27 not later than the 45th business day after the date the attorney

1 general received the request for a decision under this subsection.  
2 The attorney general shall issue a written decision on the matter  
3 and provide a copy of the decision to the requestor, the  
4 governmental body, and any interested person who submitted  
5 necessary information or a brief to the attorney general about the  
6 matter. The requestor or the governmental body may appeal a  
7 decision of the attorney general under this subsection to a Travis  
8 County district court.

9 (e) A governmental body that redacts or withholds  
10 information under Subsection (c) shall provide the following  
11 information to the requestor on a form prescribed by the attorney  
12 general:

13 (1) a description of the redacted or withheld  
14 information;

15 (2) a citation to this section; and

16 (3) instructions regarding how the requestor may seek  
17 a decision from the attorney general regarding whether the redacted  
18 or withheld information is excepted from required disclosure.

19 SECTION 4. Subchapter C, Chapter 552, Government Code, is  
20 amended by adding Section 552.151 to read as follows:

21 Sec. 552.151. EXCEPTION: PUBLIC EMPLOYEE OR OFFICER  
22 PERSONAL SAFETY. Information in the custody of a governmental body  
23 that relates to an employee or officer of the governmental body is  
24 excepted from the requirements of Section 552.021 if, under the  
25 specific circumstances pertaining to the employee or officer,  
26 disclosure of the information would subject the employee or officer  
27 to a substantial threat of physical harm.

1           SECTION 5. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1068 passed the Senate on May 5, 2009, by the following vote: Yeas 31, Nays 0; May 29, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, 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. 1068 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor