

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1068 by Wentworth (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.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend Sections 552.024, 552.1175, and 552.138 of the Government Code to allow a governmental body to redact certain personal information under the public information law without requesting a decision from the Office of the Attorney General (OAG). The amended sections of the bill also would require governmental bodies that withhold or redact information without an OAG opinion to provide certain information to the requestor about the withholding or redacting of the information. The requestor would have the right to request a review and opinion from the OAG before being required to sue for a writ of mandamus or seek a declaratory judgment. The OAG would be required to develop informational handouts and instruction forms, and to promptly render (not later than 45 business days of a request) and deliver a written decision requested under the amended Sections. The requestor or the governmental body may appeal the decision of the OAG under these amended Sections to a Travis County district court.

The bill would add Section 552.151 to the Government Code to allow a governmental body to exemption information about a employee or officer of the governmental body to be excepted from the requirements of Section 552.021, Availability of Public Information, if, under the specific circumstances pertaining to the employee or officer, the disclosure of the information would subject the employee or officer to a substantial threat to physical harm.

Local Government Impact

It is assumed a government entity would experience a minor savings in administrative costs related to not having to seek an opinion from the OAG before redacting portions of requested information related to state employees, peace officers, family violence shelter personnel, or employees or officers of governmental bodies. However, there could be costs associated with responding to questions about withheld or redacted information or appealing an OAG decision to a Travis County district court.

Source Agencies:

LBB Staff: JOB, KJG, SD, PJK, DB