

BILL ANALYSIS

C.S.S.B. 375
By: Wentworth
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that provisions of the state open records law list more than a dozen categories of information that are not exempt from disclosure unless expressly made confidential under another law. Those parties further contend that the office of the attorney general has interpreted the phrase "confidential under another law" to include mandatory exceptions under the state open records law and confidentiality provisions under constitutional and common law.

The goal of C.S.S.B. 375 is to codify the long-standing practice of disclosing public information while still protecting the specific categories of information that the legislature deems confidential.

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

C.S.S.B. 375 amends the Government Code, in a provision of law relating to certain categories of information that are public information and not excepted from public disclosure unless expressly confidential under other law, to revise the condition under which those categories are excepted from disclosure to specify that they are made confidential under state open records law or other law.

C.S.S.B. 375, in a provision of law prohibiting a court from ordering an entity to withhold or to not produce public information and providing for an exception, changes the exception to the provision to include information made confidential under state open records law, in addition to other law. The bill makes nonsubstantive and conforming changes.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 375, in the list of information that is public information and not excepted from required disclosure unless made confidential under state open records law or other law, omits a specification included in the original that such information includes the date of birth of each employee and officer of a governmental body.

C.S.S.B. 375 omits a provision included in the original conditioning the exception of certain information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of

higher education from provisions of law relating to the availability of public information on election by the person making the gift, grant, or donation that the information remain confidential. The substitute omits a provision included in the original providing requirements relating to the election of the confidentiality of such information.

C.S.S.B. 375 omits a conforming change included in the original.