

BILL ANALYSIS

Senate Research Center
82R1617 RWG-F

S.B. 375
By: Wentworth
Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to ensure that a proper balance is maintained between disclosing "super-public" information under Section 552.022 (Categories of Public Information; Examples), Government Code, while still protecting specific categories of information, such as credit card numbers, that the legislature has deemed confidential.

Section 552.022 lists 18 categories of information that are considered to be "super-public" information. These categories of information have been designated by the legislature as being subject to mandatory release by governmental bodies unless they are confidential by law.

Since the legislature's adoption of this provision in 1999, the Office of the Attorney General (OAG) has interpreted "confidential by law" to include the mandatory exceptions in the Public Information Act (PIA) as well as confidentiality provisions found outside the PIA and under constitutional and common law.

Presently, the OAG's application of the PIA's mandatory exceptions to information subject to release under Section 552.022 is being challenged. The OAG believes that its long-standing practice of redacting only those pieces of information that the legislature has deemed to be confidential under the PIA achieves the legislative intent of the PIA.

S.B. 375 clarifies the statutory language, making the accuracy of the OAG's application of the PIA confidentiality provisions more explicit.

As proposed, S.B. 375 amends current law relating to categories of information presumed to be public under the public information law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.022, Government Code, as follows:

Sec. 552.022. CATEGORIES OF PUBLIC INFORMATION; EXAMPLES. (a) Provides that without limiting the amount or kind of information that is public information under this chapter, certain itemized categories of information are public information and not excepted from required disclosure unless made confidential under this chapter or other law, rather than unless they are expressly confidential under this chapter or other law.

(b) Prohibits a court in this state from ordering a governmental body or an officer for public information from withholding from public inspection any category of public information described by Subsection (a) or not producing the category of public information for inspection or duplication, unless the category of information is confidential under this chapter or other law, rather than is expressly made confidential under other law.

SECTION 2. Makes application of Section 552.022, Government Code, prospective.

SECTION 3. Effective date: September 1, 2011.