

BILL ANALYSIS

Senate Research Center
82R19951 RWG-F

C.S.S.B. 375
By: Wentworth
Open Government
4/8/2011
Committee Report (Substituted)

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.

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

C.S.S.B. 375 amends current law relating to categories of information presumed to be public and certain exceptions from required disclosure 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, including the name, sex, ethnicity, salary, title, date of birth, and dates of employment of each employee and officer of a governmental body.

(b) Prohibits a court in this state from ordering a governmental body or an officer for public information to withhold from public inspection any category of public information described by Subsection (a) or to not produce 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. Amends the heading to Section 552.102, Government Code, to read as follows:

Sec. 552.102. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONNEL INFORMATION.

SECTION 3. Amends the heading to Section 552.109, Government Code, to read as follow:

Sec. 552.109. EXCEPTION: CONFIDENTIALITY OF CERTAIN PRIVATE COMMUNICATIONS OF AN ELECTED OFFICE HOLDER.

SECTION 4. Amends the heading to Section 552.110, Government Code, to read as follows:

Sec. 552.110. EXCEPTION: CONFIDENTIALITY OF TRADE SECRETS; CONFIDENTIALITY OF CERTAIN COMMERCIAL OR FINANCIAL INFORMATION.

SECTION 5. Amends the heading to Section 552.113, Government Code, to read as follows:

Sec. 552.113. EXCEPTION: CONFIDENTIALITY OF GEOLOGICAL OR GEOPHYSICAL INFORMATION.

SECTION 6. Amends the heading to Section 552.114, Government Code, to read as follows:

Sec. 552.114. EXCEPTION: CONFIDENTIALITY OF STUDENT RECORDS.

SECTION 7. Amends the heading to Section 552.115, Government Code, to read as follows:

Sec. 552.115. EXCEPTION: CONFIDENTIALITY OF BIRTH AND DEATH RECORDS.

SECTION 8. Amends the heading to Section 552.117, Government Code, to read as follows:

Sec. 552.117. EXCEPTION: CONFIDENTIALITY OF CERTAIN ADDRESSES, TELEPHONE NUMBERS, SOCIAL SECURITY NUMBERS, AND PERSONAL FAMILY INFORMATION.

SECTION 9. Amends the heading to Section 552.118, Government Code, to read as follows:

Sec. 552.118. EXCEPTION: CONFIDENTIALITY OF OFFICIAL PRESCRIPTION FORM.

SECTION 10. Amends the heading to Section 552.119, Government Code, to read as follows:

Sec. 552.119. EXCEPTION: CONFIDENTIALITY OF CERTAIN PHOTOGRAPHS OF PEACE OFFICERS.

SECTION 11. Amends the heading to Section 552.120, Government Code, to read as follows:

Sec. 552.120. EXCEPTION: CONFIDENTIALITY OF CERTAIN RARE BOOKS AND ORIGINAL MANUSCRIPTS.

SECTION 12. Amends the heading to Section 552. 121, Government Code, to read as follows:

Sec. 552.121. EXCEPTION: CONFIDENTIALITY OF CERTAIN DOCUMENTS HELD FOR HISTORICAL RESEARCH.

SECTION 13. Amends the heading to Section 552.123, Government Code, to read as follows:

Sec. 552.123. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR CHIEF EXECUTIVE OFFICER OF INSTITUTION OF HIGHER EDUCATION.

SECTION 14. Amends the heading to Section 552.1234, Government Code, to read as follows:

Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION.

SECTION 15. Amends Section 552.1235(a), Government Code, to read as follows:

(a) Provides that the name or other 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 is excepted from the requirements of Section 552.021 if the person who makes the gift, grant, or donation elects for the information to remain confidential. Requires an election under this section to be in writing, be signed by the person making the gift, grant, or donation, and be filed with the institution of higher education at the time the person makes the gift, grant, or donation.

SECTION 16. Amends the heading to Section 552.124, Government Code, to read as follows:

Sec. 552.124. EXCEPTION: CONFIDENTIALITY OF RECORDS OF LIBRARY OR LIBRARY SYSTEM.

SECTION 17. Amends the heading to Section 552.126, Government Code, to read as follows:

Sec. 552.126. EXCEPTION: CONFIDENTIALITY OF NAME OF APPLICANT FOR SUPERINTENDENT OF PUBLIC SCHOOL DISTRICT.

SECTION 18. Amends the heading to Section 552.127, Government Code, to read as follows:

Sec. 552.127. EXCEPTION: CONFIDENTIALITY OF PERSONAL INFORMATION RELATING TO PARTICIPANTS IN NEIGHBORHOOD CRIME WATCH ORGANIZATION.

SECTION 19. Amends the heading to Section 552.128, Government Code, to read as follows:

Sec. 552.128. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION SUBMITTED BY POTENTIAL VENDOR OR CONTRACTOR.

SECTION 20. Amends the heading to Section 552.129, Government Code, to read as follows:

Sec. 552.129. CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE INSPECTION INFORMATION.

SECTION 21. Amends the heading to Section 552.130, Government Code, to read as follows:

Sec. 552.130. EXCEPTION: CONFIDENTIALITY OF CERTAIN MOTOR VEHICLE RECORDS.

SECTION 22. Amends the heading to Section 552.131, Government Code, to read as follows:

Sec. 552.131. EXCEPTION: CONFIDENTIALITY OF CERTAIN ECONOMIC DEVELOPMENT INFORMATION.

SECTION 23. Amends the heading to Section 552.133, Government Code, to read as follows:

Sec. 552.133. EXCEPTION: CONFIDENTIALITY OF PUBLIC POWER UTILITY COMPETITIVE MATTERS.

SECTION 24. Amends the heading to Section 552.134, Government Code, to read as follows:

Sec. 552.134. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO INMATE OF DEPARTMENT OF CRIMINAL JUSTICE.

SECTION 25. Amends the heading to Section 552.135, Government Code, to read as follows:

Sec. 552.135. EXCEPTION: CONFIDENTIALITY CERTAIN INFORMATION HELD BY SCHOOL DISTRICT.

SECTION 26. Amends the heading to Section 552.138, Government Code, to read as follows:

Sec. 552.138. EXCEPTION: CONFIDENTIALITY OF FAMILY VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM INFORMATION.

SECTION 27. Amends the heading to Section 552.139, Government Code, to read as follows:

Sec. 552. 139. EXCEPTION: CONFIDENTIALITY OF GOVERNMENT INFORMATION RELATED TO SECURITY OF INFRASTRUCTURE ISSUES FOR COMPUTERS.

SECTION 28. Amends the heading to Section 552.140, Government Code, to read as follows:

Sec. 552.142. EXCEPTION: CONFIDENTIALITY OF MILITARY DISCHARGE RECORDS.

SECTION 29. Amends the heading to Section 552.142, Government Code, to read as follows:

Sec. 552. 142. EXCEPTION: CONFIDENTIALITY OF RECORDS OF CERTAIN DEFERRED ADJUDICATIONS AND CERTAIN MISDEMEANORS PUNISHABLE BY FINE ONLY.

SECTION 30. Amends the heading to Section 552.145, Government Code, to read as follows:

Sec. 552.145. EXCEPTION: CONFIDENTIALITY OF TEXAS NO-CALL LIST.

SECTION 31. Amends the heading to Section 552.148, Government Code, to read as follows:

Sec. 552.148. EXCEPTION: CONFIDENTIALITY OF CERTAIN PERSONAL INFORMATION MAINTAINED BY MUNICIPALITY PERTAINING TO A MINOR.

SECTION 32. Amends the heading to Section 552.149, Government Code, to read as follows:

Sec. 552.149. EXCEPTION: CONFIDENTIALITY OF RECORDS OF COMPTROLLER OR APPRAISAL DISTRICT RECEIVED FROM PRIVATE ENTITY.

SECTION 33. Amends the heading to Section 552.150, Government Code, to read as follows:

Sec. 552.150. EXCEPTION: CONFIDENTIALITY OF INFORMATION THAT COULD COMPROMISE SAFETY OF OFFICER OR EMPLOYEE OF HOSPITAL DISTRICT.

SECTION 34. Amends the heading to Section 552.151, Government Code, as added by Chapter 1377 (S.B. 1182), Acts of the 81st Legislature, Regular Session, 2009, to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING SELECT AGENTS.

SECTION 35. Amends the heading to Section 552.151, Government Code, as added by Chapter 283 (S.B. 1068), Acts of the 81st Legislature, Regular Session, 2009, to read as follows:

Sec. 552.151. EXCEPTION: CONFIDENTIALITY OF INFORMATION CONCERNING PUBLIC EMPLOYEE OR OFFICER PERSONAL SAFETY.

SECTION 36. Makes application of the change in law made by this Act to Sections 552.022 and 552.1235, Government Code, prospective.

SECTION 37. Effective date: September 1, 2011.