

BILL ANALYSIS

S.B. 1270
By: Wentworth
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the state's open records law contains provisions, including some internal references, that are unnecessary, confusing, inconsistent, or outdated. These parties assert that it is necessary to amend portions of the Texas public information law to add, remove, or update statutory references as applicable, to eliminate duplicate subsection designations where they occur, and to add a provision providing the protection of confidentiality for information obtained by a governmental body for a law enforcement purpose if the information is a report required by the federal Bank Secrecy Act or is derived from such a report. S.B. 1270 seeks to address these matters.

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

S.B. 1270 amends the Government Code to except from disclosure as public information that must be available to the public during a governmental body's normal business hours information that relates to the home address, home telephone number, or social security number of a current or former employee of the Texas Department of Criminal Justice (TDCJ) or of the predecessor in function of TDCJ or any division of TDCJ, or that reveals whether such individual has family members, regardless of whether the current or former employee complies with a statutory provision requiring each governmental employee or official or former governmental employee or official to choose whether to allow public access to such information.

S.B. 1270 makes information confidential and not subject to disclosure under state public information law if the information was obtained by a governmental body for a law enforcement purpose and is a report required by the federal Bank Secrecy Act or is derived from a report required by that act. The bill authorizes a governmental body, in obtaining such information for such a purpose, to sign a confidentiality agreement that covers information made confidential under such provisions and that requires that the information not be disclosed outside the governmental body, or within the governmental body for purposes other than the purpose for which it was obtained, that the information be labeled as confidential; and that the information be kept securely.

S.B. 1270 reenacts and amends Section 552.274, Government Code, as amended by Chapters 329 (S.B. 727) and 716 (S.B. 452), Acts of the 79th Legislature, Regular Session, 2005, to make a nonsubstantive change in a subsection designation and to make a technical correction in the statute citation referenced in the definition of "state agency" for purposes of the provision requiring the attorney general to prepare and update a report on state agency charges for providing copies of public information.

S.B. 1270, in a provision authorizing a governmental body to decline to release requested

information, in certain cases in which a person's privacy or property may be involved, for the purpose of requesting an attorney general decision, removes from those cases a case involving student records that are protected from disclosure under a statutory provision providing an exception specifically for student records.

EFFECTIVE DATE

September 1, 2011.