

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1907
By: Wentworth
Open Government
4/29/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, most local government records to which public access is denied under the Public Information Act are, if still in existence, open to public inspection 75 years after originally created or received. Birth records and certain medical records are subject to disclosure only after 100 years.

The 100-year period creates an unnecessary administrative burden for governmental bodies and prevents disclosure of information valuable to genealogists and researchers long after the policy issues favoring non-disclosure have ceased to exist.

C.S.S.B. 1907 amends current law relating to access to certain archaic information.

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 Subchapter B, Chapter 552, Government Code, by adding Section 552.0215, as follows:

Sec. 552.0215. RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER 75 YEARS. (a) Provides that, except as provided by Section 552.147 (Social Security Numbers), the confidentiality provisions of this chapter, or other law, information that is not confidential but is excepted from required disclosure under Subchapter C (Information Excepted From Required Disclosure) is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body.

(b) Provides that this section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

SECTION 2. Amends Section 201.009(b), Local Government Code, as follows:

(b) Provides that any local government record to which public access is denied under Chapter 552 (Public Information), Government Code, including a birth record maintained by a local registrar, is, if still in existence, open to public inspection 75 years after it was originally created or received. Provides, however, that a death record maintained by a local registrar is, if still in existence, open to public inspection 55 years after it was originally created or received. Provides that this subsection does not limit the authority of a governing body or an elected county officer to establish retention periods for records under Section 203.042 (Retention Periods). Deletes existing text providing that a birth record maintained by a local registrar is, if still in existence, open to public inspection 100 years after it was originally created or received.

SECTION 3. Amends Section 159.002(d), Occupations Code, to provide that the prohibitions of this chapter continue to apply to a confidential communication or record relating to a patient

regardless of when the patient receives the services of a physician, except for medical records at least 75 years old, rather than 100 years old, that are requested for historical research purposes.

SECTION 4. Effective date: September 1, 2011.