

By: Marquez

H.B. No. 1671

Substitute the following for H.B. No. 1671:

By: Gallego

C.S.H.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.130, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Subject to Chapter 730, Transportation Code, a governmental body may redact information described by Subsections (a)(1) and (3) from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

(d) If, under Subsection (c), a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the redacted or withheld information was excepted from required disclosure to the requestor,

1 not later than the 45th business day after the date the attorney
2 general received the request for a decision under this subsection.
3 The attorney general shall issue a written decision on the matter
4 and provide a copy of the decision to the requestor, the
5 governmental body, and any interested person who submitted
6 necessary information or a brief to the attorney general about the
7 matter. The requestor or the governmental body may appeal a
8 decision of the attorney general under this subsection to a Travis
9 County district court.

10 (e) A governmental body that redacts or withholds
11 information under Subsection (c) shall provide the following
12 information to the requestor on a form prescribed by the attorney
13 general:

14 (1) a description of the redacted or withheld
15 information;

16 (2) a citation to this section; and

17 (3) instructions regarding how the requestor may seek
18 a decision from the attorney general regarding whether the redacted
19 or withheld information is excepted from required disclosure.

20 SECTION 2. Section 552.136, Government Code, is amended by
21 adding Subsections (c), (d), and (e) to read as follows:

22 (c) A governmental body may redact information that must be
23 withheld under Subsection (b) from any information the governmental
24 body discloses under Section 552.021 without the necessity of
25 requesting a decision from the attorney general under Subchapter G.

26 (d) If, under Subsection (c), a governmental body redacts or
27 withholds information without requesting a decision from the

attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the redacted or withheld information was excepted from required disclosure to the requestor, not later than the 45th business day after the date the attorney general received the request for a decision under this subsection. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. The requestor or the governmental body may appeal a decision of the attorney general under this subsection to a Travis County district court.

(e) A governmental body that redacts or withholds information under Subsection (c) shall provide the following information to the requestor on a form prescribed by the attorney general:

(1) a description of the redacted or withheld information;

(2) a citation to this section; and

(3) instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted

1 or withheld information is excepted from required disclosure.

2 SECTION 3. Section 552.263, Government Code, is amended by
3 adding Subsection (e-1) to read as follows:

4 (e-1) If a requestor modifies the request in response to the
5 requirement of a deposit or bond authorized by this section, the
6 modified request is considered a separate request for the purposes
7 of this chapter and is considered received on the date the
8 governmental body receives the written modified request.

9 SECTION 4. Section 552.301, Government Code, is amended by
10 adding Subsection (a-1) to read as follows:

11 (a-1) For the purposes of this subchapter, if a governmental
12 body receives a written request by United States mail and cannot
13 adequately establish the actual date on which the governmental body
14 received the request, the written request is considered to have
15 been received by the governmental body on the third business day
16 after the date of the postmark on a properly addressed request.

17 SECTION 5. The changes in law made by this Act to Sections
18 552.263 and 552.301, Government Code, apply only to a request for
19 information that is received by a governmental body or an officer
20 for public information on or after the effective date of this Act.
21 A request for information that was received before the effective
22 date of this Act is governed by the law in effect on the date the
23 request was received, and the former law is continued in effect for
24 that purpose.

25 SECTION 6. This Act takes effect September 1, 2011.