

AN ACT

relating to access to certain records regarding an employment discrimination claim.

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

SECTION 1. Section 21.304, Labor Code, is amended to read as follows:

Sec. 21.304. CONFIDENTIALITY OF RECORDS. An officer or employee of the commission may not disclose to the public information obtained by the commission under Section 21.204 except in compliance with Section 21.305 and as necessary to the conduct of a proceeding under this chapter.

SECTION 2. Section 21.305, Labor Code, is amended to read as follows:

Sec. 21.305. ACCESS TO COMMISSION RECORDS. (a) Except as provided by Subsection (c), the ~~[The]~~ commission shall adopt rules allowing a party to a complaint filed under Section 21.201 reasonable access to commission records relating to the complaint.

(b) Except as provided by Subsection (c), unless ~~[Unless]~~ the complaint is resolved through a voluntary settlement or conciliation, on the written request of a party the executive director shall allow the party access to the commission records:

(1) after the final action of the commission; or

(2) if a civil action relating to the complaint is filed in federal court alleging a violation of federal law.

1 (c) Notwithstanding Section 552.023, Government Code, the
2 following information is not considered public information for the
3 purposes of Chapter 552, Government Code, and may not be disclosed
4 to a party to a complaint filed under Section 21.201:

5 (1) identifying information of persons other than the
6 parties and witnesses to the complaint;

7 (2) identifying information about confidential
8 witnesses, including any confidential statement given by the
9 witness;

10 (3) sensitive medical information about the charging
11 party or a witness to the complaint that is:

12 (A) provided by a person other than the person
13 requesting the information; and

14 (B) not relevant to issues raised in the
15 complaint, including information that identifies injuries,
16 impairments, pregnancies, disabilities, or other medical
17 conditions that are not obviously apparent or visible;

18 (4) identifying information about a person other than
19 the charging party that is found in sensitive medical information
20 regardless of whether the information is relevant to the complaint;

21 (5) nonsensitive medical information that is relevant
22 to the complaint if the disclosure would result in an invasion of
23 personal privacy, unless the information is generally known or has
24 been previously reported to the public;

25 (6) identifying information about other respondents
26 or employers not a party to the complaint;

27 (7) information relating to settlement offers or

1 conciliation agreements received from one party that was not
2 conveyed to the other and information contained in a separate
3 alternative dispute resolution file prepared for mediation
4 purposes; and

5 (8) identifying information about a person on whose
6 behalf a complaint was filed if the person has requested that the
7 person's identity as a complaining party remain confidential.

8 (d) In this section, "identifying information" has the
9 meaning assigned by Section 32.51, Penal Code.

10 SECTION 3. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 2463 was passed by the House on April 14, 2011, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2463 on May 27, 2011, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2463 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor