

By: Howard of Travis

H.B. No. 3591

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of information obtained by a compliance office of an institution of higher education.

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

SECTION 1. Section 51.971, Education Code, is amended by amending Subsections (e) and (f) and adding Subsection (g) to read as follows:

(e) Information is excepted from disclosure under Chapter 552, Government Code, if it is collected or produced:

(1) in a compliance program investigation and releasing the information [the release of which] would interfere with an ongoing compliance investigation; or

(2) by a systemwide compliance office for the purpose of reviewing compliance processes at a component institution of higher education of a university system [is excepted from disclosure under Chapter 552, Government Code].

(f) Information made confidential or excepted from public disclosure by this section may be made available to the following on request in compliance with applicable law and procedure:

(1) a law enforcement agency or prosecutor;

(2) a governmental agency responsible for investigating the matter that is the subject of a compliance report, including the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission; or

1 (3) an officer or employee of an institution of higher
2 education or a compliance officer or employee of a university
3 system administration who is responsible under institutional or
4 system policy for a compliance program investigation or for
5 reviewing a compliance program investigation [~~for official~~
6 ~~purposes of the agency or prosecutor upon proper request made in~~
7 ~~compliance with applicable law and procedure~~].

8 (g) A disclosure under Subsection (f) is not a voluntary
9 disclosure for purposes of Section 552.007, Government Code.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.