

By: S. Davis of Harris

H.B. No. 3801

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the exception of certain personal information from  
3 disclosure under the public information law.

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

5 SECTION 1. The heading to Section 552.024, Government Code,  
6 is amended to read as follows:

7 Sec. 552.024. ELECTING TO DISCLOSE PERSONAL INFORMATION  
8 [~~ADDRESS AND TELEPHONE NUMBER~~].

9 SECTION 2. Sections 552.024(a) and (b), Government Code,  
10 are amended to read as follows:

11 (a) Each employee or official of a governmental body and  
12 each former employee or official of a governmental body may [~~shall~~]  
13 choose [~~whether~~] to allow public access to the information in the  
14 custody of the governmental body that relates to the person's home  
15 address, home telephone number, personal cellular telephone  
16 number, personal e-mail address, or social security number, or that  
17 reveals whether the person has family members.

18 (b) Each employee and official may [~~and each former employee~~  
19 ~~and official shall~~] state that the person chooses to allow public  
20 access to the information as described by [~~person's choice under~~]  
21 Subsection (a) to the main personnel officer of the governmental  
22 body in a signed writing at any time during the employee's or  
23 official's service with the governmental body. Each former  
24 employee or official shall state that person's choice under

1 Subsection (a) not later than the 14th day after the date on which[+  
2  ~~(1) the employee begins employment with the~~  
3  ~~governmental body;~~  
4  ~~(2) the official is elected or appointed; or~~  
5  ~~(3)]~~ the former employee or official ends service  
6 with the governmental body. A choice made under this subsection  
7 remains valid until rescinded in writing by the individual.

8 SECTION 3. The heading to Section 552.117, Government Code,  
9 is amended to read as follows:

10 Sec. 552.117. EXCEPTION: CERTAIN ADDRESSES, E-MAIL  
11 ADDRESSES, TELEPHONE NUMBERS, DATES OF BIRTH, SOCIAL SECURITY  
12 NUMBERS, AND PERSONAL FAMILY INFORMATION.

13 SECTION 4. Section 552.117(a), Government Code, is amended  
14 to read as follows:

15 (a) Information is excepted from the requirements  
16 of Section 552.021 if it is information that relates to the home  
17 address, home telephone number, personal cellular telephone  
18 number, personal e-mail address, date of birth, or social security  
19 number of the following person or that reveals whether the person  
20 has family members:

21 (1) a current or former official or employee of a  
22 governmental body, except as otherwise provided for certain  
23 information by Section 552.024;

24 (2) a peace officer as defined by Article 2.12, Code  
25 of Criminal Procedure, or a security officer commissioned  
26 under Section 51.212, Education Code, regardless of whether the  
27 officer complies with Section 552.024 or 552.1175, as

1 applicable;

2 (3) a current or former employee of the Texas  
3 Department of Criminal Justice or of the predecessor in function of  
4 the department or any division of the department, regardless of  
5 whether the current or former employee complies with Section  
6 552.1175;

7 (4) a peace officer as defined by Article 2.12, Code  
8 of Criminal Procedure, or other law, a reserve law enforcement  
9 officer, a commissioned deputy game warden, or a corrections  
10 officer in a municipal, county, or state penal institution in this  
11 state who was killed in the line of duty, regardless of whether the  
12 deceased complied with Section 552.024 or 552.1175;

13 (5) a commissioned security officer as defined  
14 by Section 1702.002, Occupations Code, regardless of whether the  
15 officer complies with Section 552.024 or 552.1175, as  
16 applicable; or

17 (6) an officer or employee of a community supervision  
18 and corrections department established under Chapter 76 who  
19 performs a duty described by Section 76.004(b), regardless of  
20 whether the officer or employee complies with Section 552.024 or  
21 552.1175.

22 SECTION 5. The heading to Section 552.1175, Government  
23 Code, is amended to read as follows:

24 Sec. 552.1175. CONFIDENTIALITY OF ADDRESSES, E-MAIL  
25 ADDRESSES, TELEPHONE NUMBERS, DATES OF BIRTH, SOCIAL SECURITY  
26 NUMBERS, AND PERSONAL FAMILY INFORMATION OF PEACE OFFICERS, COUNTY  
27 JAILERS, SECURITY OFFICERS, AND EMPLOYEES OF THE TEXAS DEPARTMENT

1 OF CRIMINAL JUSTICE OR A PROSECUTOR'S OFFICE.

2 SECTION 6. Section 552.1175(b), Government Code, is amended  
3 to read as follows:

4 (b) Information that relates to the home address, home  
5 telephone number, personal cellular telephone number, personal  
6 e-mail address, date of birth, or social security number of an  
7 individual to whom this section applies, or that reveals whether  
8 the individual has family members is confidential and may not be  
9 disclosed to the public under this chapter if the individual to whom  
10 the information relates:

11 (1) chooses to restrict public access to the  
12 information; and

13 (2) notifies the governmental body of the individual's  
14 choice on a form provided by the governmental body, accompanied by  
15 evidence of the individual's status.

16 SECTION 7. Section 552.137, Government Code, is amended by  
17 adding Subsection (e) to read as follows:

18 (e) This section does not apply to a personal e-mail address  
19 to which Section 552.024 or 552.1175 applies.

20 SECTION 8. Subchapter C, Chapter 552, Government Code, is  
21 amended by adding Section 552.153 to read as follows:

22 Sec. 552.153. DATE OF BIRTH. (a) The date of birth of a  
23 living person is excepted from the requirements of Section 552.021,  
24 but is not confidential under this section and this section does not  
25 make the date of birth of a living person confidential under another  
26 provision of this chapter or other law.

27 (b) A governmental body may redact the date of birth of a

1 living person from any information the governmental body discloses  
2 under Section 552.021 without the necessity of requesting a  
3 decision from the attorney general under Subchapter G.

4 (c) Notwithstanding any other law, a county or district  
5 clerk may disclose in the ordinary course of business a date of  
6 birth that is contained in information held by the clerk's office,  
7 and that disclosure is not official misconduct and does not subject  
8 the clerk to civil or criminal liability of any kind under the law  
9 of this state, including any claim for damages in a lawsuit or the  
10 criminal penalty imposed by Section 552.352.

11 (d) Unless another law requires a date of birth to be  
12 maintained in a government document, on written request from an  
13 individual or the individual's representative, the clerk shall  
14 redact within a reasonable amount of time the individual's date of  
15 birth from information maintained in the clerk's official public  
16 records, including electronically stored information maintained by  
17 or under the control of the clerk. The individual or the  
18 individual's representative must identify, using a form provided by  
19 the clerk, the specific document or documents from which the date of  
20 birth shall be redacted.

21 SECTION 9. The changes in law made by this Act apply only to  
22 a request for information that is received by a governmental body or  
23 an officer for public information on or after the effective date of  
24 this Act. A request for information that was received before the  
25 effective date of this Act is governed by the law in effect on the  
26 date the request was received, and the former law is continued in  
27 effect for that purpose.

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