

By: Rodriguez

S.B. No. 602

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to allowing a governmental body to redact certain personal  
3 information under the public information law without the necessity  
4 of requesting a decision from the attorney general and the  
5 calculation of certain deadlines under the public information law.

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

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

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

14 (d) If, under Subsection (c), a governmental body redacts or  
15 withholds information without requesting a decision from the  
16 attorney general about whether the information may be redacted or  
17 withheld, the requestor is entitled to seek a decision from the  
18 attorney general about the matter. The attorney general by rule  
19 shall establish procedures and deadlines for receiving information  
20 necessary to decide the matter and briefs from the requestor, the  
21 governmental body, and any other interested person. The attorney  
22 general shall promptly render a decision requested under this  
23 subsection, determining whether the redacted or withheld  
24 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

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

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

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

25 (2) a citation to this section; and

26 (3) instructions regarding how the requestor may seek  
27 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.