

By: Wentworth
(Hunter)

S.B. No. 1270

A BILL TO BE ENTITLED

AN ACT

relating to the public information law.

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

SECTION 1. Subsection (a), Section 552.117, Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

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

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections

1 officer in a municipal, county, or state penal institution in this
2 state who was killed in the line of duty, regardless of whether the
3 deceased complied with Section 552.024 or 552.1175;

4 (5) a commissioned security officer as defined by
5 Section 1702.002, Occupations Code, regardless of whether the
6 officer complies with Section 552.024 or 552.1175, as applicable;
7 or

8 (6) an officer or employee of a community supervision
9 and corrections department established under Chapter 76 who
10 performs a duty described by Section 76.004(b), regardless of
11 whether the officer or employee complies with Section 552.024 or
12 552.1175.

13 SECTION 2. Subchapter C, Chapter 552, Government Code, is
14 amended by adding Section 552.153 to read as follows:

15 Sec. 552.153. EXCEPTION: BANK SECRECY ACT REPORTS.

16 (a) Information is confidential and not subject to disclosure
17 under this chapter if the information:

18 (1) was obtained by a governmental body for a law
19 enforcement purpose; and

20 (2) is a report required by the Bank Secrecy Act (31
21 U.S.C. Section 5311 et seq.) or is derived from a report required by
22 the Bank Secrecy Act.

23 (b) In obtaining information described by Subsection (a)(2)
24 for a purpose described by Subsection (a)(1), a governmental body
25 may sign a confidentiality agreement that covers information made
26 confidential by this section and requires that:

27 (1) the information not be disclosed outside the

1 governmental body, or within the governmental body for purposes
2 other than the purpose for which it was obtained;

3 (2) the information be labeled as confidential; and

4 (3) the information be kept securely.

5 SECTION 3. Section 552.274, Government Code, as amended by
6 Chapters 329 (S.B. 727) and 716 (S.B. 452), Acts of the 79th
7 Legislature, Regular Session, 2005, is reenacted and amended to
8 read as follows:

9 Sec. 552.274. REPORTS BY ATTORNEY GENERAL AND STATE
10 AGENCIES ON COST OF COPIES. (a) The attorney general shall:

11 (1) biennially update a report prepared by the
12 attorney general about the charges made by state agencies for
13 providing copies of public information; and

14 (2) provide a copy of the updated report on the
15 attorney general's open records page on the Internet not later than
16 March 1 of each even-numbered year.

17 (a-1) [~~(b)~~] Not later than December 1 of each odd-numbered
18 year, each state agency shall provide the attorney general detailed
19 information, for use by the attorney general in preparing the
20 report required by Subsection (a), describing the agency's
21 procedures for charging and collecting fees for providing copies of
22 public information.

23 (b) Before the 30th day after the date on which a regular
24 session of the legislature convenes, each state agency shall issue
25 a report that describes that agency's procedures for charging and
26 collecting fees for providing copies of public information. A
27 state agency may comply with this subsection by posting the report

1 on the agency's open records page or another easily accessible page
2 on the agency's website on the Internet.

3 (c) In this section, "state agency" has the meaning assigned
4 by Sections 2151.002(1) and (3) [~~2151.002(2)(A) and (C)~~].

5 SECTION 4. Subsections (a) and (d), Section 552.305,
6 Government Code, are amended to read as follows:

7 (a) In a case in which information is requested under this
8 chapter and a person's privacy or property interests may be
9 involved, including a case under Section 552.101, 552.104, or
10 552.110, [~~or 552.114,~~] a governmental body may decline to release
11 the information for the purpose of requesting an attorney general
12 decision.

13 (d) If release of a person's proprietary information may be
14 subject to exception under Section 552.101, 552.110, 552.113, or
15 552.131, the governmental body that requests an attorney general
16 decision under Section 552.301 shall make a good faith attempt to
17 notify that person of the request for the attorney general
18 decision. Notice under this subsection must:

19 (1) be in writing and sent within a reasonable time not
20 later than the 10th business day after the date the governmental
21 body receives the request for the information; and

22 (2) include:

23 (A) a copy of the written request for the
24 information[~~, if any,~~] received by the governmental body; and

25 (B) a statement, in the form prescribed by the
26 attorney general, that the person is entitled to submit in writing
27 to the attorney general within a reasonable time not later than the

1 10th business day after the date the person receives the notice:

2 (i) each reason the person has as to why the
3 information should be withheld; and

4 (ii) a letter, memorandum, or brief in
5 support of that reason.

6 SECTION 5. The changes in law made by this Act to Sections
7 552.117 and 552.305, Government Code, apply only to a request for
8 information that is received by a governmental body or an officer
9 for public information on or after the effective date of this Act.
10 A request for information that was received before the effective
11 date of this Act is governed by the law in effect on the date the
12 request was received, and the former law is continued in effect for
13 that purpose.

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