

1-1 By: Davis S.B. No. 1638  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Select Committee on Open Government;  
1-4 April 11, 2011, reported favorably by the following vote: Yeas 3,  
1-5 Nays 0; April 11, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the exception of certain personal information from  
1-9 required disclosure under the public information law.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 552.024, Government  
1-12 Code, is amended to read as follows:

1-13 (a) Each employee or official of a governmental body and  
1-14 each former employee or official of a governmental body shall  
1-15 choose whether to allow public access to the information in the  
1-16 custody of the governmental body that relates to the person's home  
1-17 address, home telephone number, emergency contact information, or  
1-18 social security number, or that reveals whether the person has  
1-19 family members.

1-20 SECTION 2. Subsection (a), Section 552.117, Government  
1-21 Code, is amended to read as follows:

1-22 (a) Information is excepted from the requirements of  
1-23 Section 552.021 if it is information that relates to the home  
1-24 address, home telephone number, emergency contact information, or  
1-25 social security number of the following person or that reveals  
1-26 whether the person has family members:

1-27 (1) a current or former official or employee of a  
1-28 governmental body, except as otherwise provided by Section 552.024;

1-29 (2) a peace officer as defined by Article 2.12, Code of  
1-30 Criminal Procedure, or a security officer commissioned under  
1-31 Section 51.212, Education Code, regardless of whether the officer  
1-32 complies with Section 552.024 or 552.1175, as applicable;

1-33 (3) a current or former employee of the Texas  
1-34 Department of Criminal Justice or of the predecessor in function of  
1-35 the department or any division of the department, regardless of  
1-36 whether the current or former employee complies with Section  
1-37 552.1175;

1-38 (4) a peace officer as defined by Article 2.12, Code of  
1-39 Criminal Procedure, or other law, a reserve law enforcement  
1-40 officer, a commissioned deputy game warden, or a corrections  
1-41 officer in a municipal, county, or state penal institution in this  
1-42 state who was killed in the line of duty, regardless of whether the  
1-43 deceased complied with Section 552.024 or 552.1175;

1-44 (5) a commissioned security officer as defined by  
1-45 Section 1702.002, Occupations Code, regardless of whether the  
1-46 officer complies with Section 552.024 or 552.1175, as applicable;  
1-47 or

1-48 (6) an officer or employee of a community supervision  
1-49 and corrections department established under Chapter 76 who  
1-50 performs a duty described by Section 76.004(b), regardless of  
1-51 whether the officer or employee complies with Section 552.024 or  
1-52 552.1175.

1-53 SECTION 3. Subsection (b), Section 552.1175, Government  
1-54 Code, is amended to read as follows:

1-55 (b) Information that relates to the home address, home  
1-56 telephone number, emergency contact information, or social  
1-57 security number of an individual to whom this section applies, or  
1-58 that reveals whether the individual has family members is  
1-59 confidential and may not be disclosed to the public under this  
1-60 chapter if the individual to whom the information relates:

1-61 (1) chooses to restrict public access to the  
1-62 information; and

1-63 (2) notifies the governmental body of the individual's  
1-64 choice on a form provided by the governmental body, accompanied by

2-1 evidence of the individual's status.

2-2 SECTION 4. Subsection (a), Section 552.130, Government  
2-3 Code, is amended to read as follows:

2-4 (a) Information is excepted from the requirements of  
2-5 Section 552.021 if the information relates to:

2-6 (1) a motor vehicle operator's or driver's license or  
2-7 permit issued by an agency of this state or another state or  
2-8 country;

2-9 (2) a motor vehicle title or registration issued by an  
2-10 agency of this state or another state or country; or

2-11 (3) a personal identification document issued by an  
2-12 agency of this state or another state or country or a local agency  
2-13 authorized to issue an identification document.

2-14 SECTION 5. Subsection (b), Section 552.139, Government  
2-15 Code, is amended to read as follows:

2-16 (b) The following information is confidential:

2-17 (1) a computer network vulnerability report; [~~and~~]

2-18 (2) any other assessment of the extent to which data  
2-19 processing operations, a computer, a computer program, network,  
2-20 system, or system interface, or software of a governmental body or  
2-21 of a contractor of a governmental body is vulnerable to  
2-22 unauthorized access or harm, including an assessment of the extent  
2-23 to which the governmental body's or contractor's electronically  
2-24 stored information containing sensitive or critical information is  
2-25 vulnerable to alteration, damage, erasure, or inappropriate use;  
2-26 and

2-27 (3) a photocopy or other copy of an identification  
2-28 badge issued to an official or employee of a governmental body.

2-29 SECTION 6. This Act takes effect immediately if it receives  
2-30 a vote of two-thirds of all the members elected to each house, as  
2-31 provided by Section 39, Article III, Texas Constitution. If this  
2-32 Act does not receive the vote necessary for immediate effect, this  
2-33 Act takes effect September 1, 2011.

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