

By: Wentworth

S.B. No. 1907

A BILL TO BE ENTITLED

AN ACT

relating to access to certain archaic information.

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

SECTION 1. Subchapter B, Chapter 552, Government Code, is amended by adding Section 552.0215 to read as follows:

Sec. 552.0215. RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER 75 YEARS. (a) Except as specifically provided by other law, including another provision of this chapter, information that is not confidential but is excepted from required disclosure under Subchapter C is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body.

(b) This section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

SECTION 2. Section 201.009(b), Local Government Code, is amended to read as follows:

(b) Any local government record to which public access is denied under Chapter 552, Government Code, including a birth record maintained by a local registrar, is, if still in existence, open to public inspection 75 years after it was originally created or received. However, [~~a birth record maintained by a local registrar is, if still in existence, open to public inspection 100 years after it was originally created or received and~~] a death record

1 maintained by a local registrar is, if still in existence, open to  
2 public inspection 55 years after it was originally created or  
3 received. This subsection does not limit the authority of a  
4 governing body or an elected county officer to establish retention  
5 periods for records under Section 203.042.

6 SECTION 3. Section 159.002(d), Occupations Code, is amended  
7 to read as follows:

8 (d) The prohibitions of this chapter continue to apply to a  
9 confidential communication or record relating to a patient  
10 regardless of when the patient receives the services of a  
11 physician, except for medical records at least 75 [~~100~~] years old  
12 that are requested for historical research purposes.

13 SECTION 4. This Act takes effect September 1, 2011.