

**House Bill 2463**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 21.304, Labor Code, is amended to read as follows:

Sec. 21.304. CONFIDENTIALITY OF RECORDS. An officer or employee of the commission may not disclose to the public information obtained by the commission under Section 21.204 except in compliance with Section 21.305 and as necessary to the conduct of a proceeding under this chapter.

SECTION 2. Section 21.305, Labor Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The commission shall adopt rules allowing a party to a complaint filed under Section 21.201 reasonable access to commission records relating to the complaint to the extent that the access complies with federal law and the United States Equal Employment Opportunity Commission's regulations, policies, and work-sharing agreement with the commission regarding access to confidential records and complaint and investigation files.

(c) The commission may provide access to information described by this subchapter only if the access is permitted under the federal Privacy Act of 1974 (5 U.S.C. Section 552a) and the United States Equal Employment Opportunity

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Section 21.305, Labor Code, is amended to read as follows:

Sec. 21.305. ACCESS TO COMMISSION RECORDS. (a) Except as provided by Subsection (c), the ~~[The]~~ commission shall adopt rules allowing a party to a complaint filed under Section 21.201 reasonable access to commission records relating to the complaint.

(b) Except as provided by Subsection (c), unless ~~[Unless]~~ the complaint is resolved through a voluntary settlement or conciliation, on the written request of a party the executive director shall allow the party access to the commission records:

- (1) after the final action of the commission; or
- (2) if a civil action relating to the complaint is filed in federal court alleging a violation of federal law.

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Commission's regulations, policies, and procedures.

(d) All records and information collected, received, maintained, or otherwise developed by the commission in investigating or resolving a complaint filed with or transferred to the commission are not public information under Chapter 552, Government Code.

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(c) Notwithstanding Section 552.023, Government Code, the following information is not considered public information for the purposes of Chapter 552, Government Code, and may not be disclosed to a party to a complaint filed under Section 21.201:

(1) identifying information of persons other than the parties and witnesses to the complaint;

(2) identifying information about confidential witnesses, including any confidential statement given by the witness;

(3) sensitive medical information about the charging party or a witness to the complaint that is:

(A) provided by a person other than the person requesting the information; and

(B) not relevant to issues raised in the complaint, including information that identifies injuries, impairments, pregnancies, disabilities, or other medical conditions that are not obviously apparent or visible;

(4) identifying information about a person other than the charging party that is found in sensitive medical information regardless of whether the information is relevant to the complaint;

(5) nonsensitive medical information that is relevant to the complaint if the disclosure would result in an invasion of personal privacy, unless the information is generally known or has been previously reported to the public;

(6) identifying information about other respondents or employers not a party to the complaint;

(7) information relating to settlement offers or conciliation agreements received from one party that was not conveyed to the other and information contained in a separate alternative dispute resolution file prepared for mediation purposes; and

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(8) identifying information about a person on whose behalf a complaint was filed if the person has requested that the person's identity as a complaining party remain confidential.  
(d) In this section, "identifying information" has the meaning assigned by Section 32.51, Penal Code.

SECTION 3. This Act takes effect September 1, 2011.

SECTION 3. Same as House version.