

Amend CSHB 1675 (Senate Committee Report version), by striking SECTION 5.03 of the bill (page 3, line 64 through page 4, line 4), and replacing with the following:

SECTION 5.03. Section 325.0195, Government Code, is amended by adding Subsection (c), (c-1) and (c-2) to read as follows:

(c) A state agency that provides the commission with access to a privileged or confidential communication, record, document, or file under Section 325.019 for purposes of a review under this chapter does not waive the attorney-client privilege, or any other privilege or confidentiality requirement protected or required by the Texas Constitution, common law, statutory law, or rules of evidence, procedure, or professional conduct, with respect to the communication, record, document, or file provided to the commission. For purposes of this subsection, a communication includes, but is not limited to, a discussion that occurs at a meeting or proceeding of the state agency that is closed to the public.

(c-1) The state agency may require the commission or the members of the commission's staff who view, handle or are privy to information, or who attend a meeting that is not accessible to the public, to sign a confidentiality agreement that covers the information and requires that:

(1) the information not be disclosed outside the commission for purposes other than the purpose for which it was received;

(2) the information be labeled as confidential;

(3) the information be kept securely; or

(4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to the governmental body remaining confidential and subject to the confidentiality agreement.

(c-2) A person who obtains access to confidential information under this subsection commits an offense if the officer or employee knowingly:

(1) uses the confidential information for a purpose

other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the officer or employee to obtain access to the information, including solicitation of political contributions or solicitation of clients;

(2) permits inspection of the confidential information by a person who is not authorized to inspect the information; or

(3) discloses the confidential information to a person who is not authorized to receive the information.