

By: McClendon

H.B. No. 2885

A BILL TO BE ENTITLED

AN ACT

relating to the availability of the personal information of a legislator under the public information law.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1177 to read as follows:

Sec. 552.1177. CONFIDENTIALITY OF PERSONAL INFORMATION OF LEGISLATORS. (a) This section applies only to a current or former lieutenant governor or member of the legislature.

(b) Information held by a governmental body that relates to the home address, home telephone number, emergency contact information, or social security number of an individual to whom this section applies is confidential and may not be disclosed to the public if the individual to whom the information relates:

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

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's service in an office to which this section applies.

(c) A choice made under Subsection (b) remains valid until rescinded in writing by the individual.

(d) All documents filed with a county clerk and all documents filed with a district clerk are exempt from this section.

1 (e) A governmental body that routinely collects or
2 maintains information made confidential by this section regarding
3 individuals holding an office to which this section applies based
4 on the office held by those individuals shall take reasonable
5 actions to notify those individuals periodically regarding the
6 provisions of this section.

7 (f) A governmental body may redact information that must be
8 withheld under Subsection (b) from any information the governmental
9 body discloses under Section 552.021 without the necessity of
10 requesting a decision from the attorney general under Subchapter G.

11 (g) If, under Subsection (f), a governmental body redacts or
12 withholds information without requesting a decision from the
13 attorney general about whether the information may be redacted or
14 withheld, the requestor is entitled to seek a decision from the
15 attorney general about the matter. The attorney general by rule
16 shall establish procedures and deadlines for receiving information
17 necessary to decide the matter and briefs from the requestor, the
18 governmental body, and any other interested person. The attorney
19 general shall promptly render a decision requested under this
20 subsection, determining whether the redacted or withheld
21 information was excepted from required disclosure to the requestor,
22 not later than the 45th business day after the date the attorney
23 general received the request for a decision under this
24 subsection. The attorney general shall issue a written decision on
25 the matter and provide a copy of the decision to the requestor, the
26 governmental body, and any interested person who submitted
27 necessary information or a brief to the attorney general about the

1 matter. The requestor or the governmental body may appeal a
2 decision of the attorney general under this subsection to a Travis
3 County district court.

4 (h) A governmental body that redacts or withholds
5 information under Subsection (f) shall provide the following
6 information to the requestor on a form prescribed by the attorney
7 general:

8 (1) a description of the redacted or withheld
9 information;

10 (2) a citation to this section; and

11 (3) instructions regarding how the requestor may seek
12 a decision from the attorney general regarding whether the redacted
13 or withheld information is excepted from required disclosure.

14 SECTION 2. The changes in law made by Section 552.1177,
15 Government Code, as added by this Act, apply only to a request for
16 information that is received by a governmental body or an officer
17 for public information on or after the effective date of this Act. A
18 request for information that was received before the effective date
19 of this Act is governed by the law in effect on the date the request
20 was received, and the former law is continued in effect for that
21 purpose.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2013.