

By: Rodriguez, Capriglione

H.B. No. 4132

A BILL TO BE ENTITLED

AN ACT

1
2 relating to maintenance and production of electronic public
3 information under the public information law.

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

5 SECTION 1. Subchapter E, Chapter 552, Government Code, is
6 amended by adding Section 552.2285 to read as follows:

7 Sec. 552.2285. ELECTRONIC PUBLIC INFORMATION. (a) In this
8 section, "electronic public information" means public information
9 that is produced and maintained in an electronic spreadsheet or
10 database that is searchable or sortable.

11 (b) A governmental body's use of an electronic
12 recordkeeping system may not erode the public's right of access to
13 public information under this chapter.

14 (c) If a request for public information applies to
15 electronic public information and the requestor requests the
16 electronic public information in a searchable or sortable format,
17 the governmental body shall provide an electronic copy of the
18 requested electronic public information, in the searchable or
19 sortable format requested, using computer software the
20 governmental body has in its possession. If the requestor prefers,
21 the governmental body shall provide a copy of electronic public
22 information in the form of a paper printout.

23 (d) A governmental body may not refuse to provide a copy of
24 electronic public information on the grounds that exporting the

1 information or redacting excepted information will require
2 inputting range, search, filter, report parameters, or similar
3 commands or instructions into the governmental body's computer
4 system if the commands or instructions can be executed with
5 computer software used by the governmental body in the ordinary
6 course of business to access, support, or otherwise manage the
7 information.

8 (e) A requestor may request that a copy of electronic public
9 information be provided in the format in which the information is
10 maintained by the governmental body or in a standard export format
11 such as a flat file electronic American Standard Code for
12 Information Interchange (ASCII) if the governmental body's
13 computer programs support exporting the information in that format.
14 The governmental body shall provide the copy in the requested
15 format or in another format acceptable to the requestor. The
16 governmental body shall provide the copy on suitable electronic
17 media.

18 (f) If electronic public information is maintained by a
19 governmental body in a format that is:

20 (1) searchable but not sortable, the governmental body
21 shall provide an electronic copy of the information in a searchable
22 format that complies with this section; or

23 (2) sortable, the governmental body shall provide an
24 electronic copy of the information in a sortable format that
25 complies with this section.

26 (g) A governmental body shall use reasonable efforts to
27 ensure that a contract entered into by the governmental body for the

1 creation and maintenance of electronic public information does not
2 impair the public's ability to inspect or copy the information or
3 make the information more difficult for the public to inspect or
4 copy than records maintained by the governmental body.

5 (h) This section applies to public information for which a
6 third party is the custodian for the governmental body.

7 (i) This section does not affect the applicability to
8 electronic public information of a confidentiality provision or
9 other exception from required disclosure.

10 (j) Subchapter F applies to an electronic copy or paper
11 printout of electronic public information.

12 SECTION 2. The changes in law made by this Act apply only to
13 a request for public information received by a governmental body on
14 or after the effective date of this Act. A request received before
15 that date is governed by the law in effect when the request was
16 received, and the former law is continued in effect for that
17 purpose.

18 SECTION 3. This Act takes effect September 1, 2019.