

By: Rodriguez

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 maintained in electronic form by a governmental body. The term
10 includes electronic records and data from database fields.

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, the governmental body shall
16 provide, in the manner described by this section, an electronic
17 copy of the requested electronic public information using computer
18 software the governmental body has in its possession. If the
19 requestor prefers, the governmental body shall provide a copy of
20 electronic public information in the form of a paper printout.

21 (d) A governmental body may not refuse to provide a copy of
22 electronic public information on the grounds that exporting the
23 information or redacting excepted information will require
24 inputting range, search, filter, report parameters, or similar

1 commands or instructions into the governmental body's computer
2 system if the commands or instructions can be executed with
3 computer software used by the governmental body in the ordinary
4 course of business to access, support, or otherwise manage the
5 information.

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

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

18 (1) neither searchable nor sortable, the governmental
19 body shall provide an electronic copy of the information in a format
20 that complies with this section;

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

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

27 (g) A governmental body may not enter into a contract for

1 the creation or maintenance of electronic public information that
2 impairs the public's ability to inspect or copy the information,
3 including a contract for the creation of a publicly accessible
4 version of information that is more difficult for the public to
5 inspect or copy than records maintained by the governmental body.

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

8 SECTION 2. Sections 552.228(b) and (c), Government Code,
9 are repealed.

10 SECTION 3. The changes in law made by this Act apply only to
11 a request for public information received by a governmental body on
12 or after the effective date of this Act. A request received before
13 that date is governed by the law in effect when the request was
14 received, and the former law is continued in effect for that
15 purpose.

16 SECTION 4. This Act takes effect September 1, 2019.