

## **BILL ANALYSIS**

C.S.H.B. 2493  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

State public information law provides citizens access to government records in all different forms. Governmental entities often store public information in spreadsheets, particularly when dealing with a large amount of data. To analyze these records, requestors may need to obtain this data in spreadsheet form, which allows for searching and sorting large quantities of information. For years, the Office of the Attorney General has recommended producing documents in their original format, if requested, but some governments continue to resist this guidance and convert spreadsheets to PDF images before providing them to the public. This conversion is unnecessary and makes it more difficult to search and sort information. Avoiding this conversion and simply providing the spreadsheet data is also less time-consuming for government employees. Analyzing data in a spreadsheet can help a requestor evaluate broad trends and better hold governments accountable. C.S.H.B. 2493 seeks to make it clear that if government information is maintained in a searchable or sortable electronic spreadsheet, it must be provided in that format if sought by the requestor and that data dictionaries or other information indicating the type of data held in a particular database field are part of the public record. Moreover, the bill seeks to prohibit a governmental entity from refusing to release the electronic information on the grounds that exporting or redacting excepted information will require filtering the data with software regularly used by that entity.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2493 amends the Government Code to expand the definition of "public information" as it pertains to state public information law by including a data dictionary or other indicia of the type or category of information held in the applicable field of a database, other than metadata that directly implicates database security, and to establish provisions relating to the maintenance and production under that law of "electronic public information," defined as public information that is produced and maintained in an electronic spreadsheet or database that is searchable or sortable, as detailed below.

C.S.H.B. 2493 prohibits the use of an electronic recordkeeping system by or for a governmental body from eroding the public's right of access to public information under state public information law. The bill establishes that the contents of electronic public information is significant and not merely used as a tool for the maintenance, manipulation, or protection of property.

C.S.H.B. 2493 requires a person responding to a public information request applicable to electronic public information in which the information is requested in a searchable or sortable format to provide an electronic copy of the requested information in the format requested using computer software the person uses in the ordinary course of business to access, support, program, manipulate, or otherwise manage the governmental body's information. The bill requires the person to provide a copy of the information in the form of a paper printout if the requestor so prefers.

C.S.H.B. 2493 prohibits a person responding to a public information request from refusing to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require searching, sorting, or filtering the information with computer software used by the person in the ordinary course of business to access, support, or otherwise manage the governmental body's information. The bill also prohibits the person from charging the requestor for searching, sorting, or filtering the information, except for charges specifically authorized by the rules adopted by the attorney general under state public information law for use in determining charges for providing copies of public information.

C.S.H.B. 2493 authorizes a requestor to request that a copy of electronic public information be provided in the format in which the information is maintained by or for the governmental body or in a standard export format if the computer programs used by or for the governmental body support exporting the information in that format. The bill requires the person responding to the request to provide the copy in the requested format or in another format acceptable to the requestor and through an electronic transfer such as email or an electronic drop box if possible, or otherwise on suitable electronic media. The bill sets out the required procedure for a person responding to the request to provide requested information that is maintained in a format that is searchable but not sortable or that is sortable, respectively.

C.S.H.B. 2493 requires each party to a contract for the creation and maintenance of electronic public information by or for a governmental body to use reasonable efforts to ensure the contract does not impair the public's ability to inspect or copy the information or make the information more difficult for the public to inspect or copy than records maintained by the governmental body.

C.S.H.B. 2493's provisions relating to electronic public information apply to public information for which a third party is the custodian for the applicable governmental body and do not affect the applicability to electronic public information of a confidentiality provision or other exception from required disclosure. The bill makes statutory provisions relating to charges for providing copies of public information applicable to an electronic copy or paper printout of electronic public information.

C.S.H.B. 2493 amends the Local Government Code to make a conforming change.

C.S.H.B. 2493 applies only to a request for public information received on or after the bill's effective date.

C.S.H.B. 2493 repeals Section 552.231, Government Code.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2493 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the provision in the introduced prohibiting a person from charging a requestor for searching, sorting, or filtering public information to specifically exempt from that prohibition any charges authorized by the rules adopted by the attorney general under state public information law for use in determining charges for providing copies of public information.