

By: Johnson

S.B. No. 965

A BILL TO BE ENTITLED

1 AN ACT
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. Section 552.002(a-2), Government Code, is
6 amended to read as follows:

7 (a-2) The definition of "public information" provided by
8 Subsection (a) applies to and includes:

9 (1) any electronic communication created,
10 transmitted, received, or maintained on any device if the
11 communication is in connection with the transaction of official
12 business; and

13 (2) a data dictionary or other indicia of the type or
14 category of information held in the applicable field of a database,
15 other than metadata that directly implicates database security.

16 SECTION 2. Subchapter E, Chapter 552, Government Code, is
17 amended by adding Section 552.2285 to read as follows:

18 Sec. 552.2285. ELECTRONIC PUBLIC INFORMATION. (a) In this
19 section "electronic public information" means public information
20 that is produced and maintained in an electronic spreadsheet or
21 database that is searchable or sortable.

22 (b) The use of an electronic recordkeeping system by or for
23 a governmental body may not erode the public's right of access to
24 public information under this chapter. The contents of electronic

1 public information, including information covered by Section
2 552.002(a-2), is significant and not merely used as a tool for the
3 maintenance, manipulation, or protection of property.

4 (c) If a request for public information applies to
5 electronic public information and the requestor requests the
6 electronic public information in a searchable or sortable format,
7 the person responding to the request shall provide an electronic
8 copy of the requested electronic public information in the
9 searchable or sortable format requested using computer software the
10 person uses in the ordinary course of business to access, support,
11 program, manipulate, or otherwise manage the governmental body's
12 information. If the requestor prefers, the person responding to
13 the request shall provide a copy of electronic public information
14 in the form of a paper printout.

15 (d) A person responding to a request for public information
16 may not:

17 (1) refuse to provide a copy of electronic public
18 information on the grounds that exporting the information or
19 redacting excepted information will require searching, sorting, or
20 filtering the information with computer software used by the person
21 in the ordinary course of business to access, support, or otherwise
22 manage the governmental body's information; or

23 (2) charge the requestor for searching, sorting, or
24 filtering the information as provided by Subdivision (1).

25 (e) A requestor may request that a copy of electronic public
26 information be provided in the format in which the information is
27 maintained by or for the governmental body or in a standard export

1 format such as a flat file electronic American Standard Code for
2 Information Interchange (ASCII) if the computer programs used by or
3 for the governmental body support exporting the information in that
4 format. The person responding to the request shall provide the copy
5 in the requested format or in another format acceptable to the
6 requestor. The person responding to the request shall provide the
7 copy through an electronic transfer such as electronic mail or an
8 electronic drop box if possible, or otherwise on suitable
9 electronic media.

10 (f) If electronic public information is maintained in a
11 format that is:

12 (1) searchable but not sortable, the person responding
13 to the request shall provide an electronic copy of the information
14 in a searchable format that complies with this section; or

15 (2) sortable, the person responding to the request
16 shall provide an electronic copy of the information in a sortable
17 format that complies with this section.

18 (g) Each party to a contract for the creation and
19 maintenance of electronic public information by or for a
20 governmental body shall use reasonable efforts to ensure the
21 contract does not impair the public's ability to inspect or copy the
22 information or make the information more difficult for the public
23 to inspect or copy than records maintained by the governmental
24 body.

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

27 (i) This section does not affect the applicability to

1 electronic public information of a confidentiality provision or
2 other exception from required disclosure.

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

5 SECTION 3. Section 118.011(e), Local Government Code, is
6 amended to read as follows:

7 (e) A county clerk who provides a copy in a format other than
8 paper of a record maintained by the clerk shall provide the copy and
9 charge a fee in accordance with Section [~~Sections 552.231 and~~
10 552.262, Government Code.

11 SECTION 4. Section 552.231, Government Code, is repealed.

12 SECTION 5. The changes in law made by this Act apply only to
13 a request for public information received on or after the effective
14 date of this Act.

15 SECTION 6. This Act takes effect September 1, 2023.