

BILL ANALYSIS

C.S.H.B. 4218
By: Capriglione
Delivery of Government Efficiency
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State public information law provides citizens access to government records in many different forms. Governmental bodies 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 the searching and sorting of large quantities of information. For years, the Office of the Attorney General has recommended producing documents in their original format, if requested, but the bill author has informed the committee that some governmental bodies continue to resist this guidance and convert spreadsheets to PDF images before providing them to the public. The author has informed the committee that this conversion is unnecessary and makes it more difficult to search and sort information, while also consuming a greater amount of government employees' time. C.S.H.B. 4218 seeks to make data maintained by governmental bodies more readily accessible and usable.

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. 4218 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 produced and maintained in an electronic spreadsheet or database that is searchable or sortable, as detailed below.

C.S.H.B. 4218 prohibits a governmental body's use of an electronic recordkeeping system from eroding the public's right of access to public information under state public information law. The bill establishes that the content of electronic public information, including information described as public information, as expanded by the bill, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property.

C.S.H.B. 4218 requires a governmental body, if a request for public information applies to electronic public information and the requestor requests the electronic public information in a searchable or sortable format, to provide an electronic copy of the requested electronic public information in the searchable or sortable format requested using computer software the

governmental body uses to access, support, program, manipulate, or otherwise manage the governmental body's information. The bill requires the governmental body to provide a copy of the information in the form of a paper printout if the requestor so prefers.

C.S.H.B. 4218 prohibits a governmental body from doing the following:

- refusing to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require inputting range, search, filter, or report parameters, or similar commands or instructions into the governmental body's computer system if the commands or instructions can be executed with computer software the governmental body uses in the ordinary course of business to access, support, or otherwise manage the information; or
- charging a requestor for inputting range, search, filter, or report parameters, or similar commands or instructions into the governmental body's computer system, except for charges for providing copies of public information specifically authorized by rules adopted by the attorney general.

C.S.H.B. 4218 authorizes a requestor to request that a copy of electronic public information be provided in the format in which the governmental body maintains information or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) if the computer programs the governmental body uses support exporting the information in that format. The bill requires the governmental body to provide the copy in the requested format or in another format acceptable to the requestor and on suitable electronic media. The bill requires a governmental body to provide an electronic copy of the electronic public information in a searchable format that complies with the bill's provisions, if maintained in a format that is searchable but not sortable, and if maintained in a format that is sortable, to provide an electronic copy of the information in a sortable format that complies with the bill's provisions.

C.S.H.B. 4218 requires a governmental body to use reasonable efforts to ensure that a contract the governmental body enters into for the creation and maintenance of electronic public information 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 the governmental body maintains.

C.S.H.B. 4218 establishes that its 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. 4218 repeals provisions that establish procedures for a governmental body in responding to a request for certain information that it determines will require programming or manipulation of data, with which compliance is not feasible or will result in substantial interference with its ongoing operations, or that would require a cost that covers the programming and manipulation of data. The bill applies only to a request for public information received on or after the bill's effective date.

C.S.H.B. 4218 amends the Local Government Code to make a conforming change.

C.S.H.B. 4218 repeals Section 552.231, Government Code.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4218 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 includes a provision absent from the introduced prohibiting a governmental body from charging a requestor for inputting range, search, filter, or report parameters, or similar commands or instructions into the governmental body's computer system used in the ordinary course of business, except for charges for providing copies of public information specifically authorized by rules adopted by the attorney general.