

BILL ANALYSIS

Senate Research Center

S.B. 765
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the ways in which agencies detect fraud are available under an open records request. Therefore, a bad actor is able to request from an agency their modus operandi for detecting fraud, and potentially use it as a playbook to commit fraud against the agency and by extension, the state.

S.B. 765 closes this loophole by excluding fraud detection and deterrence measures from open records requests.

(Original Author's/Sponsor's Statement of Intent)

S.B. 765 amends current law relating to the confidentiality of fraud detection and deterrence information under the public information law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.164, as follows:

Sec. 552.164. EXCEPTION: CONFIDENTIALITY OF INFORMATION REGARDING FRAUD DETECTION AND DETERRENCE MEASURES. (a) Provides that information in the custody of a governmental body that relates to fraud detection and deterrence measures is confidential and excepted from the requirements of Section 552.021 (Availability of Public Information). Provides that, for purposes of this section, fraud detection information includes risk assessments, reports, data, protocols, technology specifications, manuals, instructions, investigative materials, crossmatches, mental impressions, and communications that may reveal the methods or means by which a governmental body prevents, investigates, or evaluates fraud.

(b) Provides that the confidentiality protection provided by Subsection (a) does not affect the ability of a governmental body to share information described by Subsection (a) as authorized by other law for law enforcement and fraud detection and prevention purposes.

SECTION 2. Effective date: September 1, 2025.