

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 2566  
By: West  
Business & Commerce  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 552.008 of the Texas Public Information Act governs "information for legislative purposes," or the special right of access legislators have to confidential public information held by government bodies.

Under current law, however, there are no administrative or enforcement penalties for government bodies that refuse to comply with Section 552.008. Additionally, recent instances have shown that language in the statute concerning the confidentiality agreement, the location where legislators may examine records, and whether legislative staff may have access to confidential public information under Section 552.008 should be clarified.

S.B. 2566 seeks to remedy the lack of enforcement provisions surrounding Section 552.008 and to clarify statutory language to minimize confusion between legislators, legislative committees, and the governmental entities from whom they seek information.

This bill clarifies that each individual member, agency, and committee of the legislature has a special right of access to public information, and that this special right of access applies to information that is confidential or excepted from required disclosure under law—unless another statute expressly excludes the information from the application of Section 552.008.

The law clarifies that a governmental body receiving a request under Section 552.008 must treat that request like a request for public information otherwise made under the Texas Public Information Act, and that the governmental body must comply with the procedures and deadlines provided in the TPIA.

Additionally, the legislation clarifies that a member of the legislature may delegate the exercise of their special right in writing to specified legislative staff employed by the member, and that those legislative staff serve as an extension of the member when exercising these rights on the member's behalf.

The bill further clarifies that a governmental body may not charge a member, agency, or committee of the legislature for copies of information under this statute.

The legislation further clarifies existing statutory language concerning the confidentiality agreement required by Section 552.008. Under the proposed language, a governmental body may not require the member of a committee or an employee of a member, agency, or committee to sign a confidentiality agreement unless the member or employee will personally view or handle the confidential information subject to the agreement. The bill further specifies, aside from the requirements set forth in statute, that the confidentiality agreement may include no extraneous requirements not specified in statute.

The bill further directs the Office of the Attorney General (OAG) to develop a confidentiality agreement template on its website for government bodies to use for Section 552.008 requests. Further, a member of the legislature is permitted, under this bill, to request an Attorney General Opinion regarding whether a confidentiality agreement complies with this chapter.

Finally, the legislation creates complaint procedures and an administrative penalty for violations. The bill sets up a complaint process with OAG and directs OAG to promptly investigate the

same and issue written findings on the same not less than 45 days after the date the initial complaint was received.

If a government body is found to have violated the section, the OAG is mandated to require:

- The governmental body to provide the information within 10 days.
- The Public Information Officer for that governmental body to complete additional training.

Also, the bill allows the OAG to impose an administrative penalty on a government body not to exceed \$5,000 per day that the governmental body is violating the Act.

The bill sets forth that litigation to enforce its provisions will take place in district courts in Travis County, in harmony with the existing portions of the Texas Public Information Act.

As proposed, S.B. 2566 amends current law relating to request for public information for legislative purposes and provides an administrative penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the attorney general is modified in SECTION 1 (Section 552.0081, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 552, Government Code, by amending Section 552.008 and adding Sections 552.0081 and 552.0082, as follows:

Sec 552.008. New heading: INFORMATION FOR LEGISLATIVE PURPOSES: SPECIAL RIGHT OF ACCESS. (a) Makes no changes to this subsection.

(b) Provides that each individual member, agency, and committee of the legislature has a special right of access to public information for legislative purposes. Provides that the special right of access applies to all public information, including information that is confidential or excepted from required disclosure under law, unless another statute expressly excludes the information from the application of this section.

(c) Creates this subsection from existing text. Requires a governmental body on request by an individual member, agency, or committee of the legislature to provide public information described by Subsection (b), including confidential information, to the requesting member, agency, or committee for inspection or duplication in accordance with Chapter 552 (Public Information) if the requesting member, agency, or committee states that the public information is requested under this chapter for legislative purposes. Requires a governmental body, except as otherwise provided by this section and Section 552.0081, to treat a request made under this section in the same manner as a request for public information under this chapter by a member of the public and comply with the procedures and deadlines provided by this chapter for producing the information.

(d) Creates this subsection from existing text and makes no further changes.

(e) Authorizes an individual member of the legislature to delegate the exercise of the member's special right of access to public information under this section in writing to specified legislative staff employed by the member. Provides that those legislative staff serve as an extension of the member when exercising the special right of access on the member's behalf.

(f) Prohibits a governmental body from charging a member, agency, or committee of the legislature for providing copies of information requested under this section.

(g) Provides that this section and Sections 552.0081 and 552.0082 do not affect the right of an individual member, agency, or committee of the legislature to obtain information from a governmental body under other law, including under the rules of either house of the legislature, the procedures under which the information is obtained under other law, or the use that may be made of the information obtained under other law.

Sec. 552.0081. INFORMATION FOR LEGISLATIVE PURPOSES: CONFIDENTIALITY AGREEMENT. Creates this section from existing text. (a) Creates this subsection from existing text. Authorizes a governmental body that provides confidential information under Section 552.008 to require the requesting individual member of the legislature, the head or chair of the requesting legislative agency or committee, or the members or employees of the requesting member or entity who will personally view or handle information received under Section 552.008, rather than this section, that is confidential under law to sign a confidentiality agreement that covers the information and complies with this section. Prohibits a governmental body from requiring a member of a committee or an employee of a member, agency, or committee to sign a confidentiality agreement unless the member or employee will personally view or handle confidential information covered by the agreement. Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Prohibits a confidentiality agreement under Subsection (a) from including requirements other than those authorized by this section. Makes nonsubstantive changes.

(c) Requires the Office of the Attorney General (OAG) to develop and make available on OAG'S Internet website for use by governmental bodies a template of a confidentiality agreement that complies with Subsection (b).

(d) Authorizes a member, agency, or committee of the legislature that receives information subject to a confidentiality agreement under Subsection (a) to share the information with another member, agency, or committee of the legislature if the other member, agency head, or committee chair and any members or employees of the other member or entity who will personally view or handle the information sign the original confidentiality agreement and the member, agency, or committee that originally received the information notifies the governmental body of each additional signatory's name and office or employer.

(e) Authorizes a member, committee, or agency of the legislature requested or required by a governmental body to sign a confidentiality agreement under Subsection (a) to seek a written decision from the attorney general about whether the agreement complies with the requirements of Subsection (b). Requires the attorney general to promptly render the decision not later than the 10th business day after the date the attorney general received the request for the decision and provide a copy of the decision to the requestor and the governmental body. Provides that a confidentiality agreement is void if the attorney general's decision determines that the agreement fails to comply with the requirements of Subsection (b).

(f) Redesignates existing Subsection (b-1) as Subsection (f). Authorizes a member, committee, or agency of the legislature requested or required by a governmental body to sign a confidentiality agreement under Subsection (a) to seek a decision as provided by Subsection (g) about whether the information covered by the confidentiality agreement is confidential under law. Makes conforming and nonsubstantive changes.

(g) Redesignates existing Subsection (b-2) as Subsection (g). Provides that this subsection applies to a request for a decision under Subsection (f). Requires the attorney general by rule to establish procedures and deadlines for receiving briefs or other information necessary to decide whether the information covered by a confidentiality agreement is confidential under law, rather than to decide the

matter and briefs, from the requestor, the governmental body, and any other interested person.

Deletes existing text authorizing the member, committee, or agency of the legislature to seek a decision from the attorney general about the matter. Makes conforming changes.

Deletes text of existing Subsection (c) providing that this section does not affect certain rights, procedures, or uses.

Sec. 552.0082. INFORMATION FOR LEGISLATIVE PURPOSES: COMPLAINT PROCEDURES; ADMINISTRATIVE PENALTY. (a) Authorizes a member of the legislature who believes a governmental body is violating or has violated Section 552.008 or 552.0081 to file a complaint with the attorney general. Requires that the complaint be in writing and include any documents relevant to the complaint.

(b) Requires the attorney general to promptly investigate the allegations made in the complaint and, not later than the 45th day after the date the complaint was received, provide written findings on the allegations made in the complaint to the member of the legislature and the governmental body.

(c) Provides that, if the attorney general determines under Subsection (b) that a governmental body is violating or has violated Section 552.008 or 552.0081, the attorney general is:

(1) required to require:

(A) the governmental body to provide to the requesting member all public information originally requested by the member not later than the 10th business day after the date the written finding of the violation is issued; and

(B) the public information officer for the governmental body to complete additional training on the requirements of Sections 552.008 and 552.0081; and

(2) authorized to impose an administrative penalty against the governmental body under Subsection (d).

(d) Authorizes the attorney general to impose an administrative penalty against a governmental body that commits a serious or repeat violation of Section 552.008 or 552.0081 or refuses to provide public information as required by Subsection (c)(1)(A). Prohibits the amount of the administrative penalty from exceeding \$5,000 per violation per day. Authorizes the governmental body to appeal the administrative penalty to a district court in Travis County.

(e) Authorizes a member of the legislature or governmental body that is party to a complaint to appeal the written findings under Subsection (b) to a district court in Travis County. Provides that the deadline under Subsection (c)(1)(A) for producing information is stayed pending the appeal unless otherwise ordered by the court.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.