

By: Capriglione

H.B. No. 4218

Substitute the following for H.B. No. 4218:

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C.S.H.B. No. 4218

A BILL TO BE ENTITLED

AN ACT

relating to maintenance and production of electronic public information under the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

(2) 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.

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

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

(b) A governmental body's use of an electronic recordkeeping system may not erode the public's right of access to public information under this chapter. The content of electronic

1 public information, including information described by Section
2 552.002(a-2), is significant and not merely a tool used 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 governmental body shall provide an electronic copy of the
8 requested electronic public information in the searchable or
9 sortable format requested using computer software the governmental
10 body uses to access, support, program, manipulate, or otherwise
11 manage the governmental body's information. If the requestor
12 prefers, the governmental body shall provide a copy of electronic
13 public information in the form of a paper printout.

14 (d) A governmental body may not:

15 (1) refuse to provide a copy of electronic public
16 information on the grounds that exporting the information or
17 redacting excepted information will require inputting range,
18 search, filter, or report parameters, or similar commands or
19 instructions into the governmental body's computer system if the
20 commands or instructions can be executed with computer software the
21 governmental body uses in the ordinary course of business to
22 access, support, or otherwise manage the information; or

23 (2) except for charges specifically authorized by
24 rules adopted under Section 552.262, charge the requestor for
25 inputting range, search, filter, or report parameters, or similar
26 commands or instructions into the governmental body's computer
27 system as provided by Subdivision (1).

1 (e) A requestor may request that a copy of electronic public
2 information be provided in the format in which the governmental
3 body maintains information or in a standard export format such as a
4 flat file electronic American Standard Code for Information
5 Interchange (ASCII) if the computer programs the governmental body
6 uses support exporting the information in that format. The
7 governmental body shall provide the copy:

8 (1) in the requested format or in another format
9 acceptable to the requestor; and

10 (2) on suitable electronic media.

11 (f) If electronic public information is maintained by a
12 governmental body in a format that is:

13 (1) searchable but not sortable, the governmental body
14 shall provide an electronic copy of the information in a searchable
15 format that complies with this section; or

16 (2) sortable, the governmental body shall provide an
17 electronic copy of the information in a sortable format that
18 complies with this section.

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

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, 2025.