

AN ACT

relating to a special right of access under the public information law for a member of a governing board.

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

SECTION 1. Chapter 552, Government Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. SPECIAL RIGHT OF ACCESS BY MEMBER OF GOVERNING BOARD

Sec. 552.401. DEFINITIONS. In this subchapter:

(1) "Member of a governing board" means any individual who is appointed, designated, or elected to direct or serve on a board or other group of individuals that directs a governmental body or a nongovernmental entity, including a member of the governing body of a municipality and a county commissioner.

(2) "Nongovernmental entity" means an entity described by Section 552.371(a).

(3) "Promptly" has the meaning described by Section 552.221(a).

Sec. 552.402. APPLICABILITY. This subchapter does not apply to the legislature or a legislative agency created by Subtitle C, Title 3.

Sec. 552.403. SPECIAL RIGHT OF ACCESS FOR MEMBER OF GOVERNING BOARD. (a) A member of the governing board of a governmental body or nongovernmental entity may inspect, duplicate, or inspect and duplicate public information maintained



1 by the governmental body or the nongovernmental entity if the  
2 member is acting in the member's official capacity.

3 (b) Public information requested under this section shall  
4 be provided to the member promptly and without charge.

5 (c) If requested by the member, public information  
6 requested under this section that is confidential under law shall  
7 be redacted from the information provided to the member without  
8 charge.

9 (d) Information subject to attorney-client privilege is not  
10 subject to disclosure to a member of a governing board under this  
11 section unless the attorney-client relationship upon which the  
12 privilege is based applies to the member. A governmental body or  
13 nongovernmental entity shall inform the member if information  
14 responsive to a request made under Subsection (a) is withheld under  
15 this subsection.

16 Sec. 552.404. CONFIDENTIAL INFORMATION. (a) A  
17 governmental body or a nongovernmental entity that has been  
18 requested to provide information under this subchapter may request  
19 the member of a governing board who is receiving public information  
20 that is confidential under law to sign a confidentiality agreement  
21 that covers the information and requires that:

- 22 (1) the information not be disclosed;  
23 (2) the information be labeled as confidential;  
24 (3) the information be kept securely; or  
25 (4) the number of copies made of the information or the  
26 notes taken from the information that implicate the confidential  
27 nature of the information be controlled, with all copies or notes



1 that are not destroyed or returned remaining confidential and  
2 subject to the confidentiality agreement.

3 (b) A governmental body or nongovernmental entity, by  
4 providing public information under this subchapter that is  
5 confidential or otherwise excepted from required disclosure under  
6 law, does not waive or affect the confidentiality of the  
7 information for purposes of state or federal law or waive the right  
8 to assert exceptions to required disclosure of the information in  
9 the future.

10 Sec. 552.405. DETERMINATION BY ATTORNEY GENERAL. (a) A  
11 member of a governing board who has received a request under Section  
12 552.404(a) to sign a confidentiality agreement may seek a decision  
13 about whether the information covered by the confidentiality  
14 agreement is confidential under law. A confidentiality agreement  
15 signed under Section 552.404(a) is void to the extent that the  
16 agreement covers information that is determined by the attorney  
17 general or a court to not be confidential under law.

18 (b) The attorney general by rule shall establish procedures  
19 and deadlines for receiving information necessary to decide the  
20 matter and briefs from the member of a governing board, the  
21 governmental body or nongovernmental entity, and any other  
22 interested person.

23 (c) The attorney general shall promptly render a decision  
24 requested under this section, determining whether the information  
25 covered by the confidentiality agreement is confidential under law,  
26 not later than the 45th business day after the date the attorney  
27 general received the request for a decision under this section. The



1 attorney general shall issue a written decision on the matter and  
2 provide a copy of the decision to the member, the governmental body  
3 or nongovernmental entity, and any interested person who submitted  
4 necessary information or a brief to the attorney general about the  
5 matter.

6 (d) The member or the governmental body or nongovernmental  
7 entity may appeal a decision of the attorney general under this  
8 section to a Travis County district court. Any other person may  
9 appeal a decision of the attorney general under this section to a  
10 Travis County district court if the person claims a proprietary  
11 interest in the information affected by the decision or a privacy  
12 interest in the information that a confidentiality law or judicial  
13 decision is designed to protect.

14 Sec. 552.406. WRIT OF MANDAMUS. (a) If a governmental body  
15 or nongovernmental entity fails or refuses to comply with an  
16 applicable requirement of this subchapter, a member of a governing  
17 board who made a request under Section 552.403 may file a motion,  
18 petition, or other appropriate pleading in a district court having  
19 jurisdiction for a writ of mandamus to compel the body or entity to  
20 comply with the applicable requirement.

21 (b) A pleading under Subsection (a) must be brought:

22 (1) in Travis County for a governmental body that is a  
23 state agency;

24 (2) in a county in which the governmental body is  
25 located for a governmental body that is not a state agency; or

26 (3) in the county where the entity's principal office  
27 in this state is located for a nongovernmental entity.



1        (c) If the member prevails under Subsection (a), the court  
2 may award reasonable attorney's fees, expenses, and court costs.

3        Sec. 552.407. INFORMATION OBTAINABLE UNDER OTHER LAW. This  
4 subchapter does not affect:

5                (1) the procedures under which information may be  
6 obtained under other law; or

7                (2) the use that may be made of information obtained  
8 under other law.

9        SECTION 2. This Act takes effect September 1, 2025.



H.B. No. 4310

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4310 was passed by the House on May 14, 2025, by the following vote: Yeas 134, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4310 on May 28, 2025, by the following vote: Yeas 112, Nays 13, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4310 was passed by the Senate, with amendments, on May 25, 2025, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor