

**House Bill 4310**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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. SPECIAL RIGHT OF ACCESS FOR A MEMBER OF A 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 by the governmental body or the nongovernmental entity if the member is acting in the member's official capacity.

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

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

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

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

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

(d) Information subject to attorney-client privilege is not

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Sec. 552.403. CONFIDENTIAL INFORMATION. (a) A governmental body or a nongovernmental entity that has been requested to provide information under this subchapter may request the member of a governing board who is receiving public information that is confidential under law to sign a confidentiality agreement that covers the information and requires that:

- (1) the information not be disclosed;
- (2) the information be labeled as confidential;
- (3) the information be kept securely; or
- (4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.

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

Sec. 552.404. DETERMINATION BY THE ATTORNEY GENERAL. (a) A member of a governing board who has received a request under Section 552.403(a) to sign a confidentiality agreement may seek a decision about whether

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subject to disclosure to a member of a governing board under this section unless the attorney-client relationship upon which the privilege is based applies to the member. A governmental body or nongovernmental entity shall inform the member if information responsive to a request made under Subsection (a) is withheld under this subsection.

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

- (1) the information not be disclosed;
- (2) the information be labeled as confidential;
- (3) the information be kept securely; or
- (4) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.

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

Sec. 552.405. DETERMINATION BY ATTORNEY GENERAL. (a) A member of a governing board who has received a request under Section 552.404(a) to sign a confidentiality agreement may seek a decision about whether

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the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement signed under Section 552.403(a) is void to the extent that the agreement covers information that is determined by the attorney general or a court to not be confidential under law.

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

(c) The attorney general shall promptly render a decision requested under this section, determining whether the information covered by the confidentiality agreement is confidential under law, not later than the 45th business day after the date the attorney general received the request for a decision under this section. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the member, the governmental body or nongovernmental entity, and any interested person who submitted necessary information or a brief to the attorney general about the matter.

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

Sec. 552.405. WRIT OF MANDAMUS. (a) If a governmental body or nongovernmental entity fails or refuses

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the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement signed under Section 552.404(a) is void to the extent that the agreement covers information that is determined by the attorney general or a court to not be confidential under law.

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

(c) The attorney general shall promptly render a decision requested under this section, determining whether the information covered by the confidentiality agreement is confidential under law, not later than the 45th business day after the date the attorney general received the request for a decision under this section. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the member, the governmental body or nongovernmental entity, and any interested person who submitted necessary information or a brief to the attorney general about the matter.

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

Sec. 552.406. WRIT OF MANDAMUS. (a) If a governmental body or nongovernmental entity fails or refuses

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to comply with an applicable requirement of this subchapter, a member of a governing board who made a request under Section 552.402 may file a motion, petition, or other appropriate pleading in a district court having jurisdiction for a writ of mandamus to compel the body or entity to comply with the applicable requirement.

(b) A pleading under Subsection (a) shall be brought:

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

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

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

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

Sec. 552.406. INFORMATION OBTAINABLE UNDER OTHER LAW. This subchapter does not affect:

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

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

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

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to comply with an applicable requirement of this subchapter, a member of a governing board who made a request under Section 552.403 may file a motion, petition, or other appropriate pleading in a district court having jurisdiction for a writ of mandamus to compel the body or entity to comply with the applicable requirement.

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

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

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

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

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

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

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

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

SECTION 2. Same as House version.

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