

SUBJECT: Exempting certain personal information from public information laws

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Wolens, S. Turner, Brimer, Counts, Craddick, Danburg, Hunter, Longoria, McCall, McClendon, Merritt

0 nays

4 absent — Bailey, Hilbert, D. Jones, Marchant

SENATE VOTE: On final passage, March 1 — 30-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Human Resources Code, sec. 51.002 defines “family violence shelter center” as a program operated by a public or private nonprofit organization that provides shelter and services to victims of family violence.

Government Code, sec. 420.003 defines “sexual assault program” as any local public or private nonprofit corporation, independent of a law enforcement agency or prosecutor’s office, that is operated as an independent program or as part of a municipal, county, or state agency and that provides the minimum services established by this chapter.

Government Code, ch. 552 sets forth guidelines for public information. Subchapter C describes information that is excepted from required public disclosure. Sec. 552.021 provides that public information is available to the public, at a minimum, during the normal business hours of a governmental body. Sec. 552.024 allows current and former employees and officials of government bodies to choose whether to allow public access to their home addresses, home telephone numbers, and social security numbers and to information revealing whether they have family members.

In 1999, Attorney General John Cornyn determined that although individuals currently residing in a safe house are entitled to have their names withheld from an open records request, former residents are not exempted because

they presumably no longer are in imminent danger. (AG Open Records Letter No. 99-1519)

DIGEST:

SB 15 would add sec. 552.136 to Government Code, ch. 552, subchapter C to except family violence shelter center and sexual assault information from public disclosure. "Family violence shelter center" would have the meaning assigned by Human Resources Code, sec. 51.002. "Sexual assault program" would have the meaning assigned by Government Code, sec. 420.003.

The bill would except information maintained by a family violence shelter center or sexual assault program from the requirements of Government Code, sec. 552.021 if it related to:

- ! the home address, home telephone number, or social security number of an employee or a volunteer worker of a family violence shelter center or sexual assault program, regardless of whether the employee chose an exemption as outlined in Government Code, sec. 552.024;
- ! the location or physical layout of a family violence shelter center;
- ! the name, home address, home telephone number, or numeric identifier of a current or former client of a family violence shelter center or sexual assault program;
- ! the provision of services, including counseling and shelter, to a current or former client of a family violence shelter center or sexual assault program;
- ! the name, home address, or home telephone number of a private donor to a family violence shelter center or sexual assault program; or
- ! the home address or home telephone number of a member of the board of directors or the board of trustees of a family violence shelter center or sexual assault program, regardless of whether the board member chose an exemption as outlined in Government Code, sec. 552.024.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS
SAY:

SB 15 would protect current and former clients of family violence centers and sexual assault programs, as well as employees, volunteers, board members, and donors, from abusers who wanted to obtain their personal

information so as to harass or attack them. These individuals are not protected under current privacy laws from having their personal information released. Abusers often will direct their anger at anyone connected with the person they abuse, placing everyone associated with a domestic violence shelter or sexual assault center in potential danger.

SB 15 would give the same immunity to employees, officers, and volunteers of family violence shelters that is provided under current law for law enforcement officers. Police officer personnel records are closed to prevent harassment and endangerment of officers. Persons who work with battered and assaulted victims are similarly vulnerable to attack and should have their names and addresses withheld from those who might wish to harm them.

SB 15 would protect family violence centers from harassment from batterers. Shelters in El Paso, Dallas, and Midland report that batterers have submitted elaborate and voluminous open records requests, presumably to get back at a former spouse, that have taken up large amounts of staff time and resources. This bill would allow centers to keep their focus on serving clients rather than on fulfilling bogus public information requests.

OPPONENTS
SAY:

SB 15 would prevent the public from having access to records that should be open. Any organization that receives public funding should be subject to the public's scrutiny, and daylight should be shed on how tax dollars are spent. In addition to preventing the general public from seeing where their taxes go, this bill would prevent philanthropic organizations from sharing donor lists or other organizations from offering valuable services to present and former clients. Also, if the location of a family violence shelter center were not public information, victims could have a difficult time finding it to obtain services.