

**SUBJECT:** Prohibiting release of peace officers, jailers, TDCJ employees information

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 13 ayes — Wolens, S. Turner, Bailey, Brimer, Counts, Craddick, Danburg, Hunter, D. Jones, Longoria, Marchant, McCall, McClendon

0 nays

2 absent — Hilbert, Merritt

**SENATE VOTE:** On final passage, March 15 — 30-0

**WITNESSES:** (*On House companion bill, HB 777*)  
For — *Registered but did not testify:* Ronald G. DeLord and Charley Wilkison, Combined Law Enforcement Association of Texas; Chris McGill, CLEAT, EPMPOA; Ray Ybarbo; Chief of Police Al Philippus, Texas Police Chiefs Association, San Antonio Police Department

Against — None

**BACKGROUND:** Information collected, assembled or maintained under a law or ordinance or in connection with the transaction of official government business is considered public information under the Public Information Act and must be open to public access, unless some specific exception applies.

Government Code sec. 552.024 requires current or former government employees or officials to choose whether to allow public access to personal information about their home address, home telephone number, and social security number and whether they have family members. If employees and officials want to keep this information confidential, they must elect to do so in writing within 14 days after they start or leave government service. If an employee or official fails to state their choice within the 14-day window, the information is public.

Government Code sec. 552.117 says that information relating to the home address, home telephone number, social security number, and family

members of peace officers, certain security officers, employees of the Texas Department of Criminal Justice (TDCJ), and peace officers and other law enforcement officers killed in the line of duty, "is excepted" from disclosure requirements regardless of whether any of these persons have complied with the requirements in sec. 552.024.

DIGEST:

CSSB 247 would prohibit from disclosure under the Public Information Act information relating to the home address, home telephone number, or social security number of peace officers, county jailers, and employees of TDCJ, and information about whether these persons have family members if the person chose to restrict public access to the information and notified the governmental bodies of their choice. This information would be considered confidential.

Certain information about peace officers, county jailers, and employees of TDCJ in local tax appraisal records also would be confidential and would be available only for the official use of the appraisal district, the state, the comptroller, taxing units, and political subdivisions of the state. The information would have to identify the home address of one of these persons and the person would have to choose to restrict public access to the information. Information in appraisal records that identified property according to an address would not be restricted as long as the information did not identify a person who had chosen to restrict access to their information.

CSSB 247 would take effect September 1, 2001.

SUPPORTERS  
SAY:

CSSB 247 is necessary because current law allows governmental agencies to decide whether or not to release personal information about peace officers and TDCJ employees. Even though the language in current law says that this information "is excepted" from public information requirements, this can be interpreted as permissive, and at least one instance exists of a governmental body releasing information after a peace officer requested that it be kept confidential.

CSSB 247 would solve this problem by stating that information about peace officers, county jailers, and TDCJ employees was confidential and by prohibiting its disclosure if requested. This would give these persons the

option to keep their information confidential if a governmental body decided that current law allowed its release. Although under current law a peace officer or other person could bring a lawsuit to stop a governmental agency from releasing information, the information most likely would be released and the person's privacy invaded by the time a lawsuit was resolved.

CSSB 247 also would ensure that personal information about peace officers, county jailers, and TDCJ employees kept in appraisal records remained private. In the past, there has been some confusion about whether the confidentiality requirements apply to appraisal districts. Since the districts are governmental bodies, confidentiality requirements should apply.

County jailers should be treated like peace officers and other correctional agency employees whose personal information is kept confidential. County jailers run the same risk of being harassed and should be afforded the same protections.

The state should do all it can to ensure that peace officers, county jailers, and TDCJ employees can keep information confidential because their work puts them in contact with persons who sometimes use personal information for harassment, intimidation, retaliation, and blackmail. These employees need to be protected so that state and localities can help attract and retain good employees.

OPPONENTS  
SAY:

Current law excepting information about TDCJ employees and peace officers from public information requirements is adequate. Special exceptions to public information laws should not be crafted to deal with isolated incidents.

NOTES:

The original bill applied only to peace officers. Among the changes made by the committee substitute was the inclusion of county jailers and TDCJ employees.