

- SUBJECT:** Response deadline for clarifying request for public information
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 8 ayes — Swinford, Paxton, Christian, B. Cook, Farrar, Flynn, Parker, Veasey
- 0 nays
- 1 absent — Van Arsdale
- WITNESSES:** For —Shanna Igo, Texas Municipal League
- Against —Doug Toney, Texas Daily Newspaper Association and Texas Press Association
- On —Karen Rabon, Office of the Attorney General
- BACKGROUND:** Government Code, ch. 552, known as the Public Information Act, provides public access to records maintained by state and local governments.
- Under sec. 552.222(b), when a request is unclear to a governmental body, it may ask the requestor for clarification. Requests that consist of a large amount of information may be discussed with the requestor to narrow the scope of the request.
- Under sec. 552.222(c), when a request relates to a motor vehicle record, a public information officer may require the requestor to provide additional information to determine whether the requestor is eligible to receive the information under ch. 730, Transportation Code.
- DIGEST:** HB 1497 would amend Government Code, sec. 552.222 by setting a 30-day deadline for a requestor of public information to respond to a governmental body's request for either clarification or discussion under sec. 552.222(b) or a public information officer's request for additional information under sec. 552.222(c). Should the requestor not respond by the deadline, either orally or in writing, the request for public information would be considered withdrawn.

A governmental body's written request for clarification or discussion or a public information officer's request for more information would have to include a statement as to the consequences should the requestor fail to respond within 30 days.

HB 1497 would apply only to requests for public information received by a governmental body or information officer on or after the bill's September 1, 2007, effective date.

**SUPPORTERS
SAY:**

HB 1497 is needed to increase efficiency in responding to requests from the public for information. The Public Information Act generates many requests, with some agencies receiving more than 2,000 requests per year. Sometimes citizens submit requests that either do not provide sufficient detail as to the information being requested or may need additional verification. Rather than leave such requests open-ended, HB 1497 would provide closure by setting a reasonable deadline for requestors to respond or else their request for public information automatically would be considered withdrawn.

The Public Information Act currently does not provide for any recourse by a governmental body or information officer when a requestor fails to respond to a request for clarification, discussion, or more information. Should a requestor choose never to respond, the governmental body or information officer is forced to retain the related files indefinitely. Maintaining open files indefinitely creates an unnecessary burden on the governmental body or public information officer. Agencies often preserve files for a specific number of years and then discard them to free up space and reduce storage costs.

Currently, once a request is submitted by a member of the public, a governmental body or information officer is able to avoid phone calls and delay completing the request. The bill would minimize this practice. Requests for clarification, discussion, or more information would have to be made in writing for the response deadline to apply, which would help minimize agency stonewalling.

HB 1497 simply would allow an agency to withdraw a request if no response were received within 30 days. If a member of the public wished to continue actively pursuing a request, the law would permit a new request to be filed.

OPPONENTS
SAY:

This bill would create an impediment to access to public information by switching the administrative burden to the public, undermining the purpose and intent of the Public Information Act. Currently, the requestor has no restrictions on responding to a governmental body or public information officer once a request for public information has been made.

Facing deadlines to respond to a request for clarification or duplicating efforts by having to re-file a request for information would create additional hurdles for the public seeking access to public information. Government information should be easily accessible, and the public should not be discouraged from seeking information to which they are entitled.