

BILL ANALYSIS

Senate Research Center
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S.B. 671
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Section 552.008 (Information for Legislative Purposes), Texas Government Code, the Texas Public Information Act requires governmental bodies to provide public information, including confidential information, to legislators when the requesting legislator specifies that the information is being requested for legislative purposes. The code also provides that the governmental body may require the requesting legislator to sign a confidentiality agreement with regard to any confidential information released under Section 552.008.

The code, however, does not provide for a process by which the requesting legislator can determine whether information potentially made subject to a confidentiality agreement is indeed confidential. As a result, the governmental body could make potentially non-confidential information subject to a confidentiality agreement.

As proposed, S.B. 671 provides two mechanisms through which a requesting legislator can seek clarification regarding whether information requested for legislative purposes is actually confidential and thus subject to a confidentiality agreement at the request of the governmental body.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 1 (Section 552.008, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.008, Government Code, by adding Subsections (b-1), (b-2), and (b-3), as follows:

(b-1) Authorizes a member, committee, or agency of the legislature required by a governmental body to sign a confidentiality agreement under Subsection (b) to seek a decision as provided by Subsection (b-2) or (b-3) about whether the information covered by the confidentiality agreement is confidential under law. Provides that a confidentiality agreement signed under Subsection (b) is void to the extent that the agreement covers information that is finally determined under Subsection (b-2) or (b-3) to not be confidential under law.

(b-2) Authorizes the member, committee, or agency of the legislature to file an action to obtain a declaratory judgment as to the matter in Travis County district court or in a district court in the county in which the administrative offices of the governmental body are located. Provides that the governmental body is a necessary party to the action. Provides that a person known by the member, committee, or agency of the legislature or at the governmental body to claim a proprietary interest in the information is a necessary party to the action. Authorizes a person who claims a privacy interest in the information that a confidentiality law or judicial decision is designed to protect to intervene in the action.

(b-3) Authorizes the member, committee, or agency of the legislature, alternatively, to seek a decision from the attorney general about the matter. Requires the attorney general by rule to establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other

interested person. Requires the attorney general to promptly render a decision requested under this subsection, 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 subsection. Requires the attorney general to issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any other interested person who submitted necessary information or a brief to the attorney general about the matter. Authorizes the requestor or the governmental body to appeal a decision of the attorney general under this subsection to a Travis County district court. Authorizes a person to appeal a decision of the attorney general under this subsection 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.

SECTION 2. Effective date: upon passage or September 1, 2009.