

BILL ANALYSIS

Senate Research Center
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S.B. 669
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Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some information requests under the Public Information Act (PIA) require substantial time to complete, especially when entire e-mail accounts are requested or when requests relate to a broad topic involving employees in multiple departments. Although the PIA currently allows governmental entities to charge for copy costs and employee time to make copies of e-mail records, the government cannot charge for printing costs or personnel time for "inspection-only" requests even though the same amount of time and resources is often required. S.B. 669 would amend Chapter 552 (Public Information), Government Code, to allow government entities to recover the cost of employee time for preparing copies of e-mails provided to or inspected by the requestor.

In addition, a governmental entity is required to provide the requestor with a written cost estimate when the anticipated cost is more than \$40. The requestor has 10 business days to accept this cost, narrow the request, or abandon the request. If it wishes to withhold certain information, a government must also seek a ruling from the attorney general within 10 business days after a request is made. Any exceptions allowing the information to be withheld are waived if this deadline is missed. With broad or complex requests, these corresponding deadlines can compel government employees to begin searching for records before the deadline by which the requestor must respond to the cost estimate. In many cases, the requestor ultimately chooses to narrow or abandon the request, resulting in needless expenditure of government resources. S.B. 669 would toll the deadline to submit a request for a ruling from the attorney general until the requestor's deadline to respond to a cost estimate, allowing savings of government time and resources.

As proposed, S.B. 669 amends current law relating to requests to inspect or be provided with copies of information under the public information law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.003(2), Government Code, to provide that "manipulation" includes a search of one or more e-mail or text message accounts and the retrieval and transfer of e-mails or text messages that are responsive to a request for public information into a paper or other format that can be provided to or inspected by the requestor.

SECTION 2. Amends Section 552.2615(g), Government Code, to provide that the time deadlines imposed by this section toll, rather than do not affect, the application of a time deadline imposed on a governmental body under Subchapter G (Attorney General Decisions), beginning on the date the itemized statement or updated itemized statement is considered to have been sent by the governmental body under Subsection (e) (relating to itemized statements) and ending on the date the governmental body receives a response from the requestor.

SECTION 3. Amends Section 552.263, Government Code, by adding Subsection (e-1) to provide that if a requestor modifies the request in response to the requirement of a deposit or

bond authorized by this section, the modified request is considered a separate request for the purposes of this chapter and is considered received on the date the governmental body receives the written modified request.

SECTION 4. Makes application of Sections 552.003, 552.2615, and 552.263, Government Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2011.