

BILL ANALYSIS

Senate Research Center
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S.B. 881
By: Ellis
Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 881 seeks to provide greater access to valuable historical governmental information. These records are significant enough to have been maintained for long periods of time at public expense.

Currently, local governmental records that are confidential under Chapter 522 of the Government Code, and are still in existence are open to public inspection 75 years after they were originally created or received, or if there is another established retention period.

S.B. 881 adds Section 552.0216 to the Government Code, to provide that information that is designated as confidential under law is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the applicable governmental body, or after the expiration of a specified period for maintaining the confidentiality of the information.

This legislation does not limit the authority of a governmental body to establish retention periods for records under applicable law.

S.B. 881 specifically excludes the release of information on the location, nature, of a state archeological landmark, activity covered by a permit, or a survey to locate archeological landmarks. Any information on the location or character of an archeological or historic resource that the state archeologist determines may create a substantial risk of harm, theft, or destruction from disclosure. Social Security numbers of living persons are also not subject to this provision.

As proposed, S.B. 881 amends current law relating to access to certain archaic information.

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 Subchapter B, Chapter 552, Government Code, by adding Section 552.0216, as follows:

Sec. 552.0216. RIGHT OF ACCESS TO CONFIDENTIAL INFORMATION AFTER 75 YEARS. (a) Provides that information that is designated as confidential under law is public information and is available to the public:

- (1) on or after the 75th anniversary of the date the information was originally created or received by the applicable governmental body; or
- (2) after the expiration of a specified period for maintaining the confidentiality of the information.

(b) Provides that this section does not apply to information withheld under Section 442.007 (State Archeological Program), information covered by Section

552.147 (Social Security Numbers), or information covered by Section 191.004 (Compliance With Open Meetings Act and Administrative Procedure and Texas Register Act), Natural Resources Code.

(c) Provides that this section does not limit the authority of a governmental body to establish retention periods for records under applicable law.

SECTION 2. Effective date: September 1, 2013.