

AN ACT

relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and allowing information about a public officer or public employee to be withheld if disclosure would pose a substantial risk of physical harm.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.024, Government Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) If the employee or official or former employee or official chooses not to allow public access to the information:

(1) [7] the information is protected under Subchapter C; and

(2) the governmental body may redact the information from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

(c-1) If, under Subsection (c)(2), a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter. The attorney general by rule

1 shall establish procedures and deadlines for receiving information
2 necessary to decide the matter and briefs from the requestor, the
3 governmental body, and any other interested person. The attorney
4 general shall promptly render a decision requested under this
5 subsection, determining whether the redacted or withheld
6 information was excepted from required disclosure to the requestor,
7 not later than the 45th business day after the date the attorney
8 general received the request for a decision under this subsection.
9 The attorney general shall issue a written decision on the matter
10 and provide a copy of the decision to the requestor, the
11 governmental body, and any interested person who submitted
12 necessary information or a brief to the attorney general about the
13 matter. The requestor or the governmental body may appeal a
14 decision of the attorney general under this subsection to a Travis
15 County district court.

16 (c-2) A governmental body that redacts or withholds
17 information under Subsection (c)(2) shall provide the following
18 information to the requestor on a form prescribed by the attorney
19 general:

20 (1) a description of the redacted or withheld
21 information;

22 (2) a citation to this section; and

23 (3) instructions regarding how the requestor may seek
24 a decision from the attorney general regarding whether the redacted
25 or withheld information is excepted from required disclosure.

26 SECTION 2. Section 552.1175, Government Code, is amended by
27 adding Subsections (f), (g), and (h) to read as follows:

1 (f) A governmental body may redact information that must be
2 withheld under Subsection (b) from any information the governmental
3 body discloses under Section 552.021 without the necessity of
4 requesting a decision from the attorney general under Subchapter G.

5 (g) If, under Subsection (f), a governmental body redacts or
6 withholds information without requesting a decision from the
7 attorney general about whether the information may be redacted or
8 withheld, the requestor is entitled to seek a decision from the
9 attorney general about the matter. The attorney general by rule
10 shall establish procedures and deadlines for receiving information
11 necessary to decide the matter and briefs from the requestor, the
12 governmental body, and any other interested person. The attorney
13 general shall promptly render a decision requested under this
14 subsection, determining whether the redacted or withheld
15 information was excepted from required disclosure to the requestor,
16 not later than the 45th business day after the date the attorney
17 general received the request for a decision under this subsection.
18 The attorney general shall issue a written decision on the matter
19 and provide a copy of the decision to the requestor, the
20 governmental body, and any interested person who submitted
21 necessary information or a brief to the attorney general about the
22 matter. The requestor or the governmental body may appeal a
23 decision of the attorney general under this subsection to a Travis
24 County district court.

25 (h) A governmental body that redacts or withholds
26 information under Subsection (f) shall provide the following
27 information to the requestor on a form prescribed by the attorney

1 general:

2 (1) a description of the redacted or withheld
3 information;

4 (2) a citation to this section; and

5 (3) instructions regarding how the requestor may seek
6 a decision from the attorney general regarding whether the redacted
7 or withheld information is excepted from required disclosure.

8 SECTION 3. Section 552.138, Government Code, is amended by
9 adding Subsections (c), (d), and (e) to read as follows:

10 (c) A governmental body may redact information maintained
11 by a family violence shelter center or sexual assault program that
12 may be withheld under Subsection (b)(1) or (6) from any information
13 the governmental body discloses under Section 552.021 without the
14 necessity of requesting a decision from the attorney general under
15 Subchapter G.

16 (d) If, under Subsection (c), a governmental body redacts or
17 withholds information without requesting a decision from the
18 attorney general about whether the information may be redacted or
19 withheld, the requestor is entitled to seek a decision from the
20 attorney general about the matter. The attorney general by rule
21 shall establish procedures and deadlines for receiving information
22 necessary to decide the matter and briefs from the requestor, the
23 governmental body, and any other interested person. The attorney
24 general shall promptly render a decision requested under this
25 subsection, determining whether the redacted or withheld
26 information was excepted from required disclosure to the requestor,
27 not later than the 45th business day after the date the attorney

general received the request for a decision under this subsection.
The attorney general shall issue a written decision on the matter
and provide a copy of the decision to the requestor, the
governmental body, and any interested person who submitted
necessary information or a brief to the attorney general about the
matter. The requestor or the governmental body may appeal a
decision of the attorney general under this subsection to a Travis
County district court.

(e) A governmental body that redacts or withholds
information under Subsection (c) shall provide the following
information to the requestor on a form prescribed by the attorney
general:

(1) a description of the redacted or withheld
information;

(2) a citation to this section; and

(3) instructions regarding how the requestor may seek
a decision from the attorney general regarding whether the redacted
or withheld information is excepted from required disclosure.

SECTION 4. Subchapter C, Chapter 552, Government Code, is
amended by adding Section 552.151 to read as follows:

Sec. 552.151. EXCEPTION: PUBLIC EMPLOYEE OR OFFICER
PERSONAL SAFETY. Information in the custody of a governmental body
that relates to an employee or officer of the governmental body is
excepted from the requirements of Section 552.021 if, under the
specific circumstances pertaining to the employee or officer,
disclosure of the information would subject the employee or officer
to a substantial threat of physical harm.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.

S.B. No. 1068

David Newkum

President of the Senate

Jim Strawn

Speaker of the House

I hereby certify that S.B. No. 1068 passed the Senate on May 5, 2009, by the following vote: Yeas 31, Nays 0; May 29, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Daisy Spaul

Secretary of the Senate

I hereby certify that S.B. No. 1068 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

4 JUNE '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

W. Gary McDaniel

Secretary of State