

BILL ANALYSIS

Senate Research Center
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S.B. 331
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislation is intended to provide protection for public employees from public disclosure of information that may put the employee at risk or compromise the employee's safety.

Currently, Section 552.024, Government Code, allows a public employee or official to choose whether to allow public access to information in the custody of a governmental body that relates to the person's home address, home telephone number, Social Security number, or whether the employee or official has family members.

As proposed, S.B. 331 designates this information as information to be withheld from disclosure pursuant to a Public Information Act request and thereby removes the requirement that the employee or official make a choice as to whether to allow public access to the information. This legislation additionally allows a public employee or official to apply in writing to the governmental body's public information officer to withhold from disclosure information subject to a Public Information Act request that could compromise the safety of the public employee or official. Such information could include information that depicts the likeness of the individual, information relating to the times the individual may arrive or depart from a work location, a description of the individual's personal automobile, or the location where the individual works or parks his or her automobile. On the public information officer's determination that the information may indeed compromise the safety of the public employee or official, the officer may approve the application and allow the information to be withheld from disclosure in connection with the request under the Public Information Act.

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 552.024, Government Code, as follows:

Sec. 552.024. New heading: PERSONAL INFORMATION OF EMPLOYEES AND OFFICIALS. (a) Provides that information in the custody of a governmental body that relates to the home address, home telephone number, or social security number of an employee or official of the governmental body or of a former employee or official of a governmental body, or that reveals whether the person has family members, is excepted from the requirements of Section 552.021 (Availability of Public Information). Deletes existing text requiring each employee or official of a governmental body and each former employee or official of a governmental body to choose whether to allow public access to the information. Makes nonsubstantive changes.

(b) Deletes existing text of Subsections (c) and (d). Redesignates Subsection (e) as Subsection (b) and authorizes an employee or official of a governmental body who wishes to open public access, rather than who wishes to close or open public access, to the information to request in writing that the main personnel officer of the governmental body open access. Makes conforming changes. Deletes existing text for Subsection (b) requiring that each employee and official and each former employee and official state that person's choice under Subsection (a) to the main personnel officer of the governmental body in a signed writing not later than the

14th day after the date on which the employee begins employment with the governmental body, the official is elected or appointed, or the former employee or official ends service with the governmental body. Deletes existing text of Subsection (f).

SECTION 2. Amends Section 552.117(a), Government Code, to delete existing text creating an exception for information that relates to the home address, home telephone number, or social security number of a current or former official of a governmental body, except as otherwise provided by Section 552.024. Redesignates Subdivision (2) as Subdivision (1) and makes conforming changes.

SECTION 3. Amends Section 552.138(b), Government Code, to delete existing text creating an exception from the requirements of Section 552.021 for information maintained by a family violence shelter center or sexual assault program, regardless of whether the employee or worker, or board member, complies with Section 552.024.

SECTION 4. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.150, as follows:

Sec. 552.150. EXCEPTION: INFORMATION THAT COULD COMPROMISE SAFETY OF PUBLIC OFFICER OR EMPLOYEE. (a) Creates an exception from the requirements of Section 552.021 for information in the custody of a governmental body that relates to an employee or officer of the governmental body if it is information that, if disclosed under the specific circumstances pertaining to the individual, could reasonably be expected to compromise the safety of the individual, such as information that describes or depicts the likeness of the individual, states the time the individual arrives at or departs from work, a description of the individual's automobile, or the location where the individual works or parks; the employee or officer applies in writing to the governmental body's officer for public information to have the information withheld from public disclosure under this section and includes in the application a description of the information and the specific circumstances pertaining to the individual that demonstrate why disclosure of the information could reasonably be expected to compromise the safety of the individual; and the officer for public information determines that under the specific circumstances pertaining to the individual, disclosure of the information could reasonably be expected to compromise the safety of the individual.

(b) Requires the officer for public information to endorse on the application the officer's approval of the request in a manner that indicates the information that may be withheld under this section.

SECTION 5. Provides that the changes in law made by this Act apply to a request for information made under Chapter 552, Government Code, before, on, or after the effective date of this Act.

SECTION 6. Effective date: upon passage or September 1, 2009.