

By: West

S.B. No. 2566

A BILL TO BE ENTITLED

1 AN ACT
2 relating to request for public information for legislative
3 purposes; providing an administrative penalty.

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

5 SECTION 1. Subchapter A, Chapter 552, Government Code, is
6 amended by amending Section 552.008 and adding Sections 552.0081
7 and 552.0082 to read as follows:

8 Sec. 552.008. INFORMATION FOR LEGISLATIVE PURPOSES:
9 SPECIAL RIGHT OF ACCESS. (a) This chapter does not grant authority
10 to withhold information from individual members, agencies, or
11 committees of the legislature to use for legislative purposes.

19 (c) A governmental body on request by an individual member,
20 agency, or committee of the legislature shall provide public
21 information described by Subsection (b), including confidential
22 information, to the requesting member, agency, or committee for
23 inspection or duplication in accordance with this chapter if the
24 requesting member, agency, or committee states that the public

1 information is requested under this chapter for legislative
2 purposes. Except as otherwise provided by this section and Section
3 552.0081, a governmental body shall treat a request made under this
4 section in the same manner as a request for public information under
5 this chapter by a member of the public and shall comply with the
6 procedures and deadlines provided by this chapter for producing the
7 information.

8 (d) A governmental body, by providing public information
9 under this section that is confidential or otherwise excepted from
10 required disclosure under law, does not waive or affect the
11 confidentiality of the information for purposes of state or federal
12 law or waive the right to assert exceptions to required disclosure
13 of the information in the future.

14 (e) An individual member of the legislature may delegate the
15 exercise of the member's special right of access to public
16 information under this section in writing to specified legislative
17 staff employed by the member. Those legislative staff serve as an
18 extension of the member when exercising the special right of access
19 on the member's behalf.

20 (f) A governmental body may not charge a member, agency, or
21 committee of the legislature for providing copies of information
22 requested under this section.

23 (g) This section and Sections 552.0081 and 552.0082 do not
24 affect:

25 (1) the right of an individual member, agency, or
26 committee of the legislature to obtain information from a
27 governmental body under other law, including under the rules of

1 either house of the legislature;

2 (2) the procedures under which the information is

3 obtained under other law; or

4 (3) the use that may be made of the information

5 obtained under other law.

6 Sec. 552.0081. INFORMATION FOR LEGISLATIVE PURPOSES:

7 CONFIDENTIALITY AGREEMENT. (a) A [The] governmental body that

8 provides confidential information under Section 552.008 may

9 require the requesting individual member of the legislature, the

10 head or chair of the requesting legislative agency or committee, or

11 the members or employees of the requesting member or entity who will

12 personally view or handle information [that is] received under

13 Section 552.008 [this section and] that is confidential under law

14 to sign a confidentiality agreement that covers the information and

15 complies with this section. A governmental body may not require a

16 member of a committee or an employee of a member, agency, or

17 committee to sign a confidentiality agreement unless the member or

18 employee will personally view or handle confidential information

19 covered by the agreement.

20 (b) A confidentiality agreement under Subsection (a):

21 (1) may require [and requires] that:

22 (A) [←1] the information not be disclosed

23 outside the requesting entity, or within the requesting entity for

24 purposes other than the purpose for which it was received;

25 (B) [←2] the information be labeled as

26 confidential;

27 (C) [←3] the information be kept securely; or

7 (2) may not include other requirements.

8 (c) The office of the attorney general shall develop and
9 make available on the office's Internet website for use by
10 governmental bodies a template of a confidentiality agreement that
11 complies with Subsection (b).

12 (d) A member, agency, or committee of the legislature that
13 receives information subject to a confidentiality agreement under
14 Subsection (a) may share the information with another member,
15 agency, or committee of the legislature if:

23 (e) A member, committee, or agency of the legislature
24 requested or required by a governmental body to sign a
25 confidentiality agreement under Subsection (a) may seek a written
26 decision from the attorney general about whether the agreement
27 complies with the requirements of Subsection (b). The attorney

1 general shall promptly render the decision not later than the 10th
2 business day after the date the attorney general received the
3 request for the decision and provide a copy of the decision to the
4 requestor and the governmental body. A confidentiality agreement
5 is void if the attorney general's decision determines that the
6 agreement fails to comply with the requirements of Subsection (b).

7 (f) [b-1] A member, committee, or agency of the
8 legislature requested or required by a governmental body to sign a
9 confidentiality agreement under Subsection (a) [b] may seek a
10 decision as provided by Subsection (g) [b-2] about whether the
11 information covered by the confidentiality agreement is
12 confidential under law. A confidentiality agreement [signed under
13 Subsection (b)] is void to the extent [that] the agreement covers
14 information that is finally determined under Subsection (g) [b-2]
15 to not be confidential under law.

16 (g) This subsection applies to a request for a decision
17 under Subsection (f) [b-2] The member, committee, or agency of
18 the legislature may seek a decision from the attorney general about
19 the matter]. The attorney general by rule shall establish
20 procedures and deadlines for receiving briefs or other information
21 necessary to decide whether the information covered by a
22 confidentiality agreement is confidential under law [the matter and
23 briefs] from the requestor, the governmental body, and any other
24 interested person. The attorney general shall promptly render a
25 decision requested under Subsection (f) [this subsection],
26 determining whether the information covered by the confidentiality
27 agreement is confidential under law, not later than the 45th

1 business day after the date the attorney general received the
2 request [~~for a decision under this subsection~~]. The attorney
3 general shall issue a written decision on the matter and provide a
4 copy of the decision to the requestor, the governmental body, and
5 any interested person who submitted necessary information or a
6 brief to the attorney general about the matter. The requestor or
7 the governmental body may appeal a decision of the attorney general
8 under this subsection to a Travis County district court. A person
9 may appeal a decision of the attorney general under this subsection
10 to a Travis County district court if the person claims a proprietary
11 interest in the information affected by the decision or a privacy
12 interest in the information that a confidentiality law or judicial
13 decision is designed to protect.

14 ~~[(c) This section does not affect:~~

15 ~~[(1) the right of an individual member, agency, or~~
16 ~~committee of the legislature to obtain information from a~~
17 ~~governmental body under other law, including under the rules of~~
18 ~~either house of the legislature;~~

19 ~~[(2) the procedures under which the information is~~
20 ~~obtained under other law; or~~

21 ~~[(3) the use that may be made of the information~~
22 ~~obtained under other law.]~~

23 Sec. 552.0082. INFORMATION FOR LEGISLATIVE PURPOSES:
24 COMPLAINT PROCEDURES; ADMINISTRATIVE PENALTY. (a) A member of the
25 legislature who believes a governmental body is violating or has
26 violated Section 552.008 or 552.0081 may file a complaint with the
27 attorney general. The complaint must be in writing and include any

1 documents relevant to the complaint.

2 (b) The attorney general shall promptly investigate the
3 allegations made in the complaint and, not later than the 45th day
4 after the date the complaint was received, provide written findings
5 on the allegations made in the complaint to the member of the
6 legislature and the governmental body.

7 (c) If the attorney general determines under Subsection (b)
8 that a governmental body is violating or has violated Section
9 552.008 or 552.0081, the attorney general:

10 (1) shall require:

11 (A) the governmental body to provide to the
12 requesting member all public information originally requested by
13 the member not later than the 10th business day after the date the
14 written finding of the violation is issued; and

15 (B) the public information officer for the
16 governmental body to complete additional training on the
17 requirements of Sections 552.008 and 552.0081; and

18 (2) may impose an administrative penalty against the
19 governmental body under Subsection (d).

20 (d) The attorney general may impose an administrative
21 penalty against a governmental body that commits a serious or
22 repeat violation of Section 552.008 or 552.0081 or refuses to
23 provide public information as required by Subsection (c)(1)(A).
24 The amount of the administrative penalty may not exceed \$5,000 per
25 violation per day. The governmental body may appeal the
26 administrative penalty to a district court in Travis County.

27 (e) A member of the legislature or governmental body that is

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1 party to a complaint may appeal the written findings under
2 Subsection (b) to a district court in Travis County. The deadline
3 under Subsection (c)(1)(A) for producing information is stayed
4 pending the appeal unless otherwise ordered by the court.

5 SECTION 2. The changes in law made by this Act apply only to
6 a request for public information for legislative purposes under
7 Chapter 552, Government Code, received by a governmental body on or
8 after the effective date of this Act. A request received before the
9 effective date of this Act is governed by the law in effect when the
10 complaint was received, and the former law is continued in effect
11 for that purpose.

12 SECTION 3. This Act takes effect September 1, 2025.