

By: West

S.B. No. 2566

A BILL TO BE ENTITLED

AN ACT

relating to request for public information for legislative purposes; providing an administrative penalty.

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

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

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

(b) Each individual member, agency, and committee of the legislature has a special right of access to public information for legislative purposes. The special right of access applies to all public information, including information that is confidential or excepted from required disclosure under law, unless another statute expressly excludes the information from the application of this section.

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

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

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

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

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

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

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

either house of the legislature;

(2) the procedures under which the information is  
obtained under other law; or

(3) the use that may be made of the information  
obtained under other law.

Sec. 552.0081. INFORMATION FOR LEGISLATIVE PURPOSES:  
CONFIDENTIALITY AGREEMENT. (a) A [The] governmental body that  
provides confidential information under Section 552.008 may  
require the requesting individual member of the legislature, the  
head or chair of the requesting legislative agency or committee, or  
the members or employees of the requesting member or entity who will  
personally view or handle information [that is] received under  
Section 552.008 [this section and] that is confidential under law  
to sign a confidentiality agreement that covers the information and  
complies with this section. A governmental body may not require a  
member of a committee or an employee of a member, agency, or  
committee to sign a confidentiality agreement unless the member or  
employee will personally view or handle confidential information  
covered by the agreement.

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

(1) may require [and requires] that:

(A) [(1)] the information not be disclosed  
outside the requesting entity, or within the requesting entity for  
purposes other than the purpose for which it was received;

(B) [(2)] the information be labeled as  
confidential;

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

1           (D) [~~(4)~~] the number of copies made of the  
2 information or the notes taken from the information that implicate  
3 the confidential nature of the information be controlled, with all  
4 copies or notes that are not destroyed or returned to the  
5 governmental body remaining confidential and subject to the  
6 confidentiality agreement; and

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:

16           (1) the other member, agency head, or committee chair  
17 and any members or employees of the other member or entity who will  
18 personally view or handle the information sign the original  
19 confidentiality agreement; and

20           (2) the member, agency, or committee that originally  
21 received the information notifies the governmental body of each  
22 additional signatory's name and office or employer.

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

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.