

By: Capriglione

H.B. No. 3581

A BILL TO BE ENTITLED

AN ACT

relating to the availability of certain electronic information under the public information law.

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

SECTION 1. Section 552.003, Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (5-a) to read as follows:

(1) "File format" means the specifications by which information in electronic form is encoded for storage in a computer file, including the file type and file extension.

(1-a) "Governmental body":

(A) means:

(i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;

(ii) a county commissioners court in the state;

(iii) a municipal governing body in the state;

(iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

- 1 (v) a school district board of trustees;
2 (vi) a county board of school trustees;
3 (vii) a county board of education;
4 (viii) the governing board of a special
5 district;
6 (ix) the governing body of a nonprofit
7 corporation organized under Chapter 67, Water Code, that provides a
8 water supply or wastewater service, or both, and is exempt from ad
9 valorem taxation under Section 11.30, Tax Code;
10 (x) a local workforce development board
11 created under Section 2308.253;
12 (xi) a nonprofit corporation that is
13 eligible to receive funds under the federal community services
14 block grant program and that is authorized by this state to serve a
15 geographic area of the state; and
16 (xii) the part, section, or portion of an
17 organization, corporation, commission, committee, institution, or
18 agency that spends or that is supported in whole or in part by
19 public funds; and

20 (B) does not include the judiciary.

21 (5-a) "Record layout" means:

- 22 (A) a description of the type or category of
23 information held in each field of a data file;
24 (B) the location of data in a data file; and
25 (C) the number of characters in each field of a
26 data file, if available.

27 SECTION 2. Subchapter B, Chapter 552, Government Code, is

amended by adding Section 552.0224 to read as follows:

Sec. 552.0224. RIGHT OF ACCESS TO RECORD LAYOUT.
Notwithstanding any other law, the record layout of a data file
maintained by a governmental body or by a vendor or other entity on
behalf of a governmental body:

(1) is public information;

(2) is not confidential; and

(3) is not excepted from required disclosure.

SECTION 3. Section 552.228, Government Code, is amended by
amending Subsections (b) and (c) and adding Subsection (b-1) to
read as follows:

(b) If public information exists in an electronic form or
magnetic medium, the requestor may request a copy:

(1) in an electronic medium, such as on diskette or on
magnetic tape; or

(2) in a specific file format, including the file
format used by the governmental body to maintain the information,
along with the record layout of and instructions for accessing the
file provided.

(b-1) A governmental body shall provide a copy in the
requested medium or file format if:

(1) the governmental body has the technological
ability to produce a copy of the requested information in the
requested medium or file format;

(2) the governmental body is not required to purchase
any software or hardware to accommodate the request; and

(3) provision of a copy of the information in the

1 requested medium or file format will not violate the terms of any
2 copyright agreement between the governmental body and a third
3 party.

4 (c) If a governmental body is unable to comply with a
5 request to produce a copy of information in a requested medium or
6 file format for any of the reasons described by this section, the
7 governmental body shall provide a copy in another medium or file
8 format that is acceptable to the requestor. A governmental body is
9 not required to copy information onto a diskette or other material
10 provided by the requestor but may use its own supplies.

11 SECTION 4. Sections 552.231(a), (b), and (d), Government
12 Code, are amended to read as follows:

13 (a) A governmental body shall provide to a requestor the
14 written statement described by Subsection (b) if the governmental
15 body determines:

16 (1) that responding to a request for public
17 information will require programming or manipulation of data; and

18 (2) that:

19 (A) compliance with the request is not feasible
20 or will result in substantial interference with its ongoing
21 operations; or

22 (B) the information could be made available in
23 the requested form or file format only at a cost that covers the
24 programming and manipulation of data.

25 (b) The written statement must include:

26 (1) a statement that the information is not available
27 in the requested form or file format;

1 (2) a description of the forms or file formats ~~[form]~~
2 in which the information is available or may be made available;

3 (3) a description of any contract or services that
4 would be required to provide the information in the requested form
5 or file format;

6 (4) a statement of the estimated cost of providing the
7 information in the requested form or file format, as determined in
8 accordance with the rules established by the attorney general under
9 Section 552.262; and

10 (5) a detailed description of each specific
11 programming or manipulation task required to provide the
12 information in the requested form or file format and a statement of
13 the anticipated time required to perform each task ~~[provide the~~
14 ~~information in the requested form]~~.

15 (d) On providing the written statement to the requestor as
16 required by this section, the governmental body does not have any
17 further obligation to provide the information in the requested form
18 or file format or in the form or file format in which it is available
19 unless within 30 days the requestor states in writing to the
20 governmental body that the requestor:

21 (1) wants the governmental body to provide the
22 information in the requested form or file format according to the
23 cost and time parameters set out in the statement or according to
24 other terms to which the requestor and the governmental body agree;
25 or

26 (2) wants the information in the form or file format in
27 which it is available.

1 SECTION 5. The changes in law made by this Act apply only to
2 a request for information received by a governmental body on or
3 after the effective date of this Act. A request received before the
4 effective date of this Act is governed by the law in effect when the
5 request was received, and the former law is continued in effect for
6 that purpose.

7 SECTION 6. This Act takes effect September 1, 2017.