



5/25/87
By Ambrister

Senate Bill 321

Enrolled

S.B. No. 321

1
2 relating to an exemption from the open records requirements for
3 certain documents.
4
5 AN ACT

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
7 SECTION 1. Subsection (a), Section 3, Chapter 424, Acts of
8 the 63rd Legislature, Regular Session, 1973, as amended (Article
9 6252-17a, Vernon's Texas Civil Statutes), is amended to read as
10 follows:

11 (a) All information collected, assembled, or maintained by
12 governmental bodies pursuant to law or ordinance or in connection
13 with the transaction of official business is public information and
14 available to the public during normal business hours of any
15 governmental body, with the following exceptions only:

16 (1) information deemed confidential by law, either
17 constitutional, statutory, or by judicial decision;

18 (2) information in personnel files, the disclosure of which
19 would constitute a clearly unwarranted invasion of personal
20 privacy; provided, however, that all information in personnel files
21 of an individual employee within a governmental body is to be made
22 available to that individual employee or his designated
23 representative as is public information under this Act;

24 (3) information relating to litigation of a criminal or
25 civil nature and settlement negotiations, to which the state or
26 political subdivision is, or may be, a party, or to which an
27 officer or employee of the state or political subdivision, as a

1 consequence of his office or employment, is or may be a party, that
2 the attorney general or the respective attorneys of the various
3 political subdivisions has determined should be withheld from
4 public inspection;

5 (4) information which, if released, would give advantage to
6 competitors or bidders;

7 (5) information pertaining to the location of real or
8 personal property for public purposes prior to public announcement
9 of the project, and information pertaining to appraisals or
10 purchase price of real or personal property for public purposes
11 prior to the formal award of contracts therefor;

12 (6) drafts and working papers involved in the preparation of
13 proposed legislation;

14 (7) matters in which the duty of the Attorney General of
15 Texas or an attorney of a political subdivision, to his client,
16 pursuant to the Rules and Canons of Ethics of the State Bar of
17 Texas are prohibited from disclosure, or which by order of a court
18 are prohibited from disclosure;

19 (8) records of law enforcement agencies and prosecutors that
20 deal with the detection, investigation, and prosecution of crime
21 and the internal records and notations of such law enforcement
22 agencies and prosecutors which are maintained for internal use in
23 matters relating to law enforcement and prosecution;

24 (9) private correspondence and communications of an elected
25 office holder relating to matters the disclosure of which would
26 constitute an invasion of privacy;

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1 (10) trade secrets and commercial or financial information
2 obtained from a person and privileged or confidential by statute or
3 judicial decision;

4 (11) inter-agency or intra-agency memorandums or letters
5 which would not be available by law to a party other than one in
6 litigation with the agency;

7 (12) information contained in or related to examination,
8 operating, or condition reports prepared by, on behalf of, or for
9 the use of an agency responsible for the regulation or supervision
10 of financial institutions, and/or securities, as that term is
11 defined in the Texas Securities Act;

12 (13) geological and geophysical information and data
13 including maps concerning wells, except information filed in
14 connection with an application or proceeding before any agency or
15 an electric log confidential under Subchapter M, Natural Resources
16 Code;

17 (14) student records at educational institutions funded
18 wholly, or in part, by state revenue; but such records shall be
19 made available upon request of educational institution personnel,
20 the student involved, that student's parent, legal guardian, or
21 spouse or a person conducting a child abuse investigation required
22 by Section 34.05, Family Code;

23 (15) birth and death records maintained by the Bureau of
24 Vital Statistics in the State of Texas;

25 (16) the audit working papers of the State Auditor;

26 (17) the home addresses and home telephone numbers of each

1 official and employee of a governmental body except as otherwise
2 provided by Section 3A of this Act, and of peace officers as
3 defined by Article 2.12, Code of Criminal Procedure, 1965, as
4 amended, or by Section 51.212, Texas Education Code; [and]

5 (18) information contained on or derived from triplicate
6 prescription forms filed with the Department of Public Safety
7 pursuant to Section 3.09 of the Texas Controlled Substances Act, as
8 amended (Article 4476-15, Vernon's Texas Civil Statutes);

9 (19) rare books and original manuscripts which were not
10 created or maintained in the conduct of official business of a
11 governmental body and which are held by any private or public
12 archival and manuscript repository for the purposes of historical
13 research;

14 (20) oral history interviews, personal papers, unpublished
15 letters, and organizational records of nongovernmental entities,
16 which were not created or maintained in the conduct of official
17 business of a governmental body and which are held by any private
18 or public archival and manuscript repository for the purposes of
19 historical research, to the extent that the archival and manuscript
20 repository and the donor of the interviews, papers, letters, and
21 records may agree to limit disclosure of the item; and

22 (21) curriculum objectives and test items developed by
23 educational institutions that are funded wholly or in part by state
24 revenue.

25 SECTION 2. Chapter 323, Government Code, is amended by
26 adding Section 323.016 to read as follows: