A BILL TO BE ENTITLED
AN ACT
relating to an expedited response by a governmental body to a request for public information.

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

SECTION 1. Section 552.2615(g), Government Code, is amended to read as follows:
(g) The time deadlines imposed by this section do not affect the application of a time deadline imposed on a governmental body under Subchapter G or J.

SECTION 2. Section 552.263(e), Government Code, is amended to read as follows:
(e) For purposes of Subchapters F, G, and J, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment of anticipated costs or unpaid amounts if the governmental body's officer for public information or the officer's agent requires a deposit or bond in accordance with this section.

SECTION 3. Section 552.302, Government Code, is amended to read as follows:
Sec. 552.302. FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. If a governmental body does not request an attorney general decision as provided by Section 552.301 or in response to an appeal under...
Subchapter J and provide the requestor with the information required by Sections 552.301(d) and (e-1) or Section 552.404(b), the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.

SECTION 4. Section 552.352, Government Code, is amended by adding Subsection (d) to read as follows:

(d) It is an affirmative defense to prosecution under Subsection (a) that the defendant released information under Subchapter J and did not release confidential information intentionally, as defined by Section 6.03, Penal Code.

SECTION 5. Chapter 552, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. EXPEDITED RESPONSE PROCEDURE

Sec. 552.401. REQUEST FOR ATTORNEY GENERAL DECISION NOT REQUIRED. Subject to Sections 552.403 and 552.405, a governmental body that receives a written request for information and complies with the requirements of this subchapter may withhold any information it makes a good faith determination is excepted from required public disclosure under this chapter without the necessity of requesting a decision from the attorney general under Subchapter G.

Sec. 552.402. RESPONSE REQUIREMENTS. (a) A governmental body that withholds information under this subchapter must respond to the requestor not later than the fifth business day after the date the governmental body receives a written request for that information by providing the requestor with:
(1) a list of the exceptions under Subchapter C and, if applicable, the judicial decisions or constitutional or statutory laws the governmental body determines are applicable to the information being withheld;

(2) all information the governmental body determines is not excepted from disclosure, including, if applicable, partially redacted information with the redacted portions clearly marked and labeled with the exceptions the governmental body relied on to redact the information;

(3) a description of the volume and type of information withheld; and

(4) a notice form promulgated by the attorney general that includes, at a minimum:

(A) a unique identification number assigned by the governmental body;

(B) a description of the appeal procedure;

(C) an appeal form the requestor must use to appeal the withholding of information under this subchapter;

(D) a reference to the requestor's rights under this chapter; and

(E) the name of the individual who has received training under Section 552.406.

(b) The governmental body shall retain, at a minimum, an electronic or paper copy of the notice it provides to the requestor under Subsection (a)(4) for the length of time the governmental body retains the request for information.

Sec. 552.403. APPEAL. (a) On receipt of a response by a
governmental body under this subchapter, the requestor may appeal the withholding of information in the response not later than the 30th calendar day after the date the requestor receives the response.

(b) The requestor must submit the appeal to the governmental body that responded under this subchapter on the appeal form provided to the requestor by the governmental body under Section 552.402(a)(4).

(c) The appeal is considered a new request and is subject to the procedural requirements of Section 552.404.

(d) A governmental body may not seek to narrow or clarify an appeal made under this subchapter under Section 552.222(b).

(e) A governmental body may not respond to a requestor under Section 552.232 in response to an appeal made under this subchapter.

(f) Notwithstanding Sections 552.024(c)(2), 552.1175(f), 552.130(c), 552.136(c), and 552.138(c), a governmental body must request an attorney general decision to withhold information described by those provisions in response to an appeal.

Sec. 552.404. REQUEST FOR ATTORNEY GENERAL DECISION IN RESPONSE TO APPEAL. (a) Except as otherwise provided by this subchapter:

(1) the appeal is subject to the provisions of this chapter; and

(2) an attorney general's decision that was requested under this section is considered to be a decision under Subchapter G.
(b) A governmental body that receives an appeal under Section 552.403 shall, within a reasonable time, but not later than the 10th business day after the date the governmental body receives the appeal, submit to the attorney general:

(1) a request for the attorney general's decision;
(2) a copy of the original written request for information;
(3) a copy of the appeal form received by the governmental body;
(4) a signed statement as to the date on which the appeal was received by the governmental body or evidence sufficient to establish the date;
(5) the exceptions that apply and written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
(6) if the governmental body provided partially redacted information to the requestor in its initial response under this subchapter, an unredacted copy of the information the governmental body provided to the requestor with the copy clearly marked indicating the released portions and the withheld portions labeled with the exceptions the governmental body relied on to withhold the information; and
(7) a copy of the specific information the governmental body seeks to withhold, or representative samples of the information, labeled to indicate which exceptions apply to which parts of the copy.

(c) A governmental body that receives an appeal under
Section 552.403 shall, within a reasonable time, but not later than the 10th business day after the date the governmental body receives the appeal, send a copy of the comments submitted under Subsection (b)(5) to the requestor. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor must be a redacted copy.

Sec. 552.405. ELIGIBILITY. Before a governmental body may respond to a request under this subchapter, the governmental body must comply with the requirements of Section 552.406 and may not have had its authorization to rely on this subchapter revoked under Section 552.407.

Sec. 552.406. TRAINING. (a) The public information officer for a governmental body that responds to a request under this subchapter or the officer's designee must have completed in the four years preceding the response a course of training of not less than four hours or more than six hours regarding the responsibilities of the governmental body under this subchapter.

(b) The attorney general shall ensure that the training is made available. The attorney general shall ensure that at least one course of training is available at no cost on recorded video or a functionally similar and widely available medium. At a minimum, the training must include instruction in:

(1) the general background of the legal requirements for the governmental body's use of this subchapter and related law;
(2) the applicability of this subchapter to governmental bodies;
(3) the procedures and requirements for complying with
an appeal under this subchapter;

(4) the role of the attorney general under this subchapter; and

(5) penalties and other consequences for failing to comply with this subchapter.

(c) The office of the attorney general shall provide a certificate of course completion to a person who completes the training required by this section. A governmental body shall maintain the certificate and make it available for public inspection.

Sec. 552.407. REVOCATION. (a) The office of the attorney general, in its sole discretion, may revoke a governmental body's authorization to respond under this subchapter if the attorney general determines the governmental body failed to comply with the requirements of this chapter.

(b) The attorney general shall create a notice of revocation form. The attorney general shall inform the governmental body that the attorney general has revoked the governmental body's eligibility under Subsection (a) by sending the notice of revocation form by certified mail or by another written method of notice that requires the return of a receipt.

(c) The notice of revocation form must inform the governmental body of the length of time the revocation is in effect. The length of time the revocation is in effect may not exceed six months from the date the governmental body receives the notice of revocation form.

(d) The office of the attorney general shall publish on its
Internet website a list of the governmental bodies that are not
authorized to respond to a request under this subchapter because
their authorization has been revoked under Subsection (a).

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

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