LEGAL UPDATES

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Texas Legislature Clarifies Public Information Act Requirements

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Effective September 1, 2023, Texas governmental entities have 30 days after the attorney general releases an opinion determining information is public and must be disclosed to release the information or notify the requestor of certain information.

Governor Abbott signed HB 3033, which added a procedural amendment to the Texas Public Information Act, on June 13, 2023. Amended Texas Government Code Section 552.306 requires that within 30 days of receiving an attorney general opinion concerning information requested under the act, governmental entities must either release the public information or inform the requestor of the body's required next steps as provided in the statute. Prior to the new law, government entities were not bound to a strict notification deadline. Under the amended Section 552.306, however, government entities must now take the following actions, if applicable, within 30 days of receiving an attorney general opinion on public information:

If the requested information is voluminous, but the entity can still provide the information in a single batch, the entity must provide written, certified notice to the requestor and attorney general that it cannot produce the information within a reasonable timeframe. The notice must include the date and hour that the entity will disclose the information to the requestor, which may not be later than the fifteenth business day after the date that notice is provided.

If the requested information is too voluminous to be disclosed in a single batch, the entity must provide a written, certified notice to the requestor and the attorney general of the impracticability or impossibility of disclosing this information in a single batch and include the date and hour that the entity will

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disclose the first batch. The date must be no later than the fifteenth business day after notice is provided. For each subsequent batch, the entity must provide a written, certified notice to the requestor and attorney general of the date and hour of the next disclosure, which may not be later than the fifteenth business day after notice is provided.

If a cost estimate is required by statute, the entity must provide the requestor with an itemized estimate of charges for producing the information.

If the opinion authorizes the entity to withhold the information, the entity must notify the requestor in writing of the withholding.

Finally, if the entity files suit against the attorney general seeking declaratory relief from compliance with the opinion regarding the information, the entity must notify the requestor in writing of the suit.

What this means to you

Through HB 3033, the Texas Legislature has imposed new requirements on governmental entities once they receive an attorney general opinion relating to public information. It is important for your entity to assess its policies and procedures to ensure it is complying with all Public Information Act requirements.

Contact us

If you have questions related to this Legal Update, please contact Kate David, Sandy Hellums-Gomez, Russell Roden, Logan Leal, Ben Stephens, or your Husch Blackwell attorney.

This content was written with the assistance of Husch Blackwell Summer Associate Caroline Thompson.

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