



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Brie Franco, Intergovernmental Relations Officer *BF*

**THROUGH:** Veronica Briseño, Assistant City Manager

**DATE:** November 8, 2022

**SUBJECT:** **Legislation Exception for Residents' Addresses Under Public Information Act**

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This memorandum is provided as a response to a request from Council for information about the Public Information Act and legislation to allow for the City to redact home addresses of residents. The Intergovernmental Relations Office worked with the Law Department to provide the response below.

The Public Information Act (Chapter 552, Texas Government Code) governs access to City-held records by members of the public. The types of records that fall within the purview of the Public Information Act includes sign-in sheets used at City outreach events to collect contact information from attendees. These records could include a home address, a home or mobile telephone number, and a personal email address. This information, if collected and maintained by the City, must be disclosed to the public, unless there is some specific provision of law that allows the City to redact it.

Two provisions in the law allow for the redaction of home address and home telephone information, but those provisions apply only to specific individuals who are employed in governmental and law enforcement positions; they do not apply to members of the public in general. For individuals who are employed in governmental and law enforcement positions, section 552.117 of the Public Information Act allows the redaction of those individuals' information when the City holds that information in an employment context – for instance in personnel files. Section 552.1175 of the Public Information Act allows the redaction of those individuals' information when the City holds that information in a non-employment context – for instance in police reports or sign in sheets for community outreach meetings.

Last session, of the over 50 bills filed that proposed to change requirements in Chapter 552, only ten bills proposed to redact personal information from the public availability requirement; of these ten, six passed into law. Of the six passed, only two bills exempted the personal information for members of the public, as opposed to governmental and law enforcement positions. During the 87<sup>th</sup> Regular Session, legislators passed four bills that added governmental and law enforcement positions to the current list of exceptions. Those bills included measures to protect the personal information of, among other law enforcement positions, [honorably retired peace officers](#), [U.S. marshals](#), [current or former federal public defenders](#). The Legislature also passed a bill that extended the exception for a statewide

officer or member of the legislature to [any elected public officer](#). The Texas Press Association, Texas Association of Broadcasters, and the Freedom of Information Foundation of Texas have all registered against bills creating exceptions to the Public Information Act.

The legislative history of successful bills that propose to redact personal information from the public availability requirement *of members of the public* is even more specific in targeting who is eligible and even fewer in number. For example, during the 86<sup>th</sup> session, the Legislature passed [HB 3913 \(Huberty\)](#) which was narrowly targeted for victims of Hurricane Harvey and exempted personal information obtained by a flood control district located in Harris County in connection with operations related to a declared disaster or flooding. During the 87<sup>th</sup> session, the Legislature passed [HB 872 \(Bernal\)](#), which mandated that a municipally owned water utility could not disclose the address of the ratepayer unless the ratepayer had requested disclosure. The author stated that the purpose of HB 872 was to align this policy with that of municipally owned electric utility and to prevent the use of public records requests by predatory lenders to target customers who were delinquent on their water bills. It is notable that, while no witnesses registered or testified against HB 872, the Freedom of Information Foundation of Texas submitted public comments expressing concerns that the bill could interfere with journalists working to spotlight water wasters in a community affected by drought. HB 872 has also been brought forward at multiple Austin City Council meetings by a speaker concerned about the [lack of transparency related to Austin Energy's Customer Assistance Program](#). The 87<sup>th</sup> Legislature also passed [HB 2357 \(Reynolds\)](#) which makes confidential and excepted from disclosure any information identifying a victim of a criminal offense who was younger than 18 years of age at the time of the offense or a victim of certain trafficking and sexual offenses. A broader bill filed in the 87th Session, [HB 2618 \(Hernandez\)](#), would have exempted from public disclosure under the Texas Public Information Act a person's home address and personal phone number as they appear in a citation for traffic violations. The bill included exceptions to allow an FCC-licensed radio or television station or a qualifying newspaper to access to the information. However, HB 2618 only received a committee hearing and was never placed on the House Floor Calendar.

If you have any questions, please do not hesitate to contact me at [Brie.Franco@austintexas.gov](mailto:Brie.Franco@austintexas.gov) or 512-974-2285. Thank you.

cc: Spencer Cronk, City Manager