Open Government Updates

COMPLYING WITH THE PIA AND OMA IN THE TIME OF CORONAVIRUS

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Roadmap

PIA
Updates after the 86th Session to Gov’t Code Chapter 552

OMA
Updates after the 86th Session to Gov’t Code Chapter 551

COVID-19
Transparency and compliance during a pandemic
S.B. 944 “PIA Omnibus”

(1) Excludes “protected health information” from the PIA.
(2) "Temporary custodian" process for obtaining records from current and former officers and employees who independently maintain information
(3) Clarifies possession and maintenance requirements for information maintained on privately owned devices
(4) New exception to disclosure of certain health care information obtained by a governmental body;
(5) Clarifies the permissible methods a requestor may use to submit a public information request and specifies that a governmental body may designate an email address and a mailing address for receiving requests
(6) Requires the OAG to create a public information request form for use by governmental bodies and requestors.

S.B. 944 “PIA Omnibus”

Creates a “temporary custodian" process for obtaining records from current and former officers and employees who independently maintain information

Now there are civil and criminal mechanisms for a requestor to force a city official to turn over information

Clarifies procedure for info held on private device and record retention
Clarifies the permissible methods a requestor may use to submit a public information request.

Specifies that a governmental body may designate one email address and one mailing address for receiving requests – must post on website.

Entity is not required to respond to any requests that do not come through the posted addresses.
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