

# **Conducting land transactions in the cloud: Tips for protecting confidential information and information that may be subject to the Public Information Act.**

**Presented at the  
the 25<sup>th</sup> Anu Texas Land Use Conference  
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## **Overview**

- Implications of the Texas Public Information Act
- Implications of the Ethical Duty of Technology Conference
- Practical Takeaways for Improving Information Privacy and Security

## Implications under the Texas Public Information Act

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## Gov't Code § 552.002(a) – “Public Information”

- information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:
  - (1) by a governmental body;
  - (2) for a governmental body and the governmental body:
    - (A) owns the information;
    - (B) has a right of access to the information; or
    - (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
  - (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

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## “Governmental body” may include:

- municipal governing body in the state – 552.003(1)(A)(iii)
- deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality – 552.003(1)(A)(iv)
- certain property owner's associations – 552.0036
- certain private entities
  - Records held by a private attorney employed by a municipality that relate to legal services performed at the request of the municipality – Open Records Decision No. 499 (1988)
  - Records prepared by a private consultant under contract with a governmental body where the consultant keeps the report and data in the consultant's office and the governmental body reviews it there – Open Records Decision No. 462 (1987)

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