

**The Most Dangerous Thing we do every Day is hitting “Send”:  
Criminalized Information Transfer**

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## **Curriculum Vitae**

Miles Risley is the City Attorney of Corpus Christi, Texas. He received his law degree from the University of Texas in 1992. He graduated summa cum laude from West Texas State University in 1989.

Mr. Risley has practiced municipal law since 1994. He became City Attorney of Corpus Christi in 2014. He was City Attorney of Wichita Falls between 2009 and 2014. Prior to his service in Wichita Falls, he was the City Attorney of Victoria, Texas. Before coming to Victoria, he practiced with the law firm of Byington, Easton, and Risley, PC in Austin, Texas. He has also been an adjunct instructor at Victoria College and has served as a U.S. Army Military Intelligence Officer.

Mr. Risley has been a municipal attorney and member of the Texas City Attorneys Association (TCAA) for more than 20 years. Mr. Risley is also a Local Government Fellow of the Texas International Municipal Lawyer's Association (IMLA). In addition, Mr. Risley is a member of the Texas State Bar College and has made presentations to IMLA, the TCAA, and the National Contract Management Association. His presentations and papers have discussed land use law, municipal court, government contracting, gang injunctions, and tow truck regulation. In addition, he is currently the President of the Texas Coalition for Affordable Power, which advocates for the interests of electricity consumers and purchases electricity for more than 160 cities and other political subdivisions.

Mr. Risley has extensive experience dealing with delicate issues of the Texas Open Meetings Act, Texas Public Information Act, and related provisions that criminalize the transfer of information between public officials. He has worked with many government employees who have been frivolously accused of criminal acts pursuant to both of these laws. He has gathered his colleagues from jails and, as of today, has avoided placement therein.

## Criminalized Information Transfer

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# **Criminalized Information Transfer**

## **How to deal with the criminalization of day-to-day duties attending the transfer of Information**

### **Introduction:**

Honest and well-meaning government officials are often threatened with criminal liability for otherwise innocuous activities. As advisers, we are often called upon to structure our officials' actions to minimize this potential liability. If we are effective advisers, we will be targeted with threats of criminal liability to weaken the viability of the persons we advise. Therefore, we must be wary of attacks from all sides, and structure our relationships and advice in a manner that minimizes points of attack by all persons who may seek to intimidate us and our clients with threats of criminal action.

Many of the "criminals" declared by these statutes are hardworking, honest officials who are committed to the betterment of their communities. They are officials who would never consider the traditional official crimes such as bribery, fraud, or theft. However, the state and federal government have increasingly criminalized the mere transfer of truthful, factual information by government officials. Many of the targets for these criminal laws are municipal employees.

One of the most obvious criminal laws that criminalizes the transfer of information is the prohibition on releasing information in the Texas Public Information Act. Texas Government Code 552.352. This criminal prohibition is written into many Attorney General responses to Public Information briefs, and a search of the Texas Attorney General opinions will reveal that the criminal prohibitions are mentioned in more than 3,000 responses.

Texas Gov't Code § 552.352 provides as follows:

#### Texas Gov't Code § 552.352. Distribution or Misuse of Confidential Information

(a) A person commits an offense if the person distributes information considered confidential under the terms of this chapter.

(a-1) An officer or employee of a governmental body who obtains access to confidential information under Section 552.008 commits an offense if the officer or employee knowingly:

- (1) uses the confidential information for a purpose other than the purpose for which the information was received or for a purpose unrelated to the law that permitted the officer or employee to obtain access to the information, including solicitation of political contributions or solicitation of clients;
- (2) permits inspection of the confidential information by a person who is not authorized to inspect the information; or
- (3) discloses the confidential information to a person who is not authorized to receive the information.

(a-2) For purposes of Subsection (a-1), a member of an advisory committee to a governmental body who obtains access to confidential information in that capacity is considered to be an officer or employee of the governmental body.

(b) An offense under this section is a misdemeanor punishable by:

- (1) a fine of not more than \$1,000;
- (2) confinement in the county jail for not more than six months; or
- (3) both the fine and confinement.

(c) A violation under this section constitutes official misconduct.

On its face, Section 552.352 appears easy to violate. Texas has more than 700 statutory provisions that create confidential information. See attached **Appendix A** from Scott Brumley, *Preventive Medicine for Viral Data: Public Information Act Practice Tips*, State Bar of Texas 25<sup>th</sup> Annual Suing & Defending Governmental Entities Course, July 18-19, 2013.

Many of the confidentiality statutes have criminal prohibition on releasing information, but prosecution and use of criminal prosecution is almost nonexistent. Indeed, Section 552.352 contains no cited appellate cases, despite the fact that a conviction for its violation is considered “official misconduct.” Tex. Gov’t Code § 552.352 is more commonly used as a method of simply intimidating other governmental officials into restricting the release of sensitive information.

The relative paucity of successful prosecutions is not unusual for a prohibition on releasing confidential information. One of the most significant confidentiality statutes passed in recent years, the 1996 Health Insurance Portability and Accountability Act (HIPAA), had, as of 2007, only been the subject of four criminal prosecutions despite more than 350 allegations being considered by the U.S. Department of Justice. See Doreen Z. McQuarrie, *HIPAA Criminal Prosecutions: Few and Far Between*, HEALTH L. PERSP., Feb. 19, 2007, at 3 & n.27, available at [www.law.uh.edu/healthlaw/perspectives/2007/\(DM\)HIPAACrimCharges.pdf](http://www.law.uh.edu/healthlaw/perspectives/2007/(DM)HIPAACrimCharges.pdf) (citing *United States v. Ramirez*, No. 7:05CR00708 (S.D. Tex. Aug 30, 2005)).

## **Prosecutions for Releasing Allegedly Confidential Information:**

Section 552.352 prosecutions are rare. Successful prosecutions with that statute are virtually nonexistent. Section 552.352 is rarely used directly. Instead, criminal prosecutions in Texas for releasing information are normally attempted under Texas Texas Penal Code § 39.06. Section 39.06 criminalizes the release of non-public information “with intent to obtain a benefit or with intent to harm or defraud another”. Texas Penal Code § 39.06 reads as follows:

### **Texas Penal Code § 39.06. Misuse of Official Information**

(a) A public servant commits an offense if, in reliance on information to which he has access by virtue of his office or employment and that has not been made public, he:

- (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
- (2) speculates or aids another to speculate on the basis of the information; or
- (3) as a public servant, including as a principal of a school, coerces another into suppressing or failing to report that information to a law enforcement agency.

(b) A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that:

- (1) he has access to by means of his office or employment; and
- (2) has not been made public.

(c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he solicits or receives from a public servant information that:

- (1) the public servant has access to by means of his office or employment; and
- (2) has not been made public.

(d) In this section, “information that has not been made public” means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code.

(e) Except as provided by Subsection (f), an offense under this section is a felony of the third degree.

(f) An offense under Subsection (a)(3) is a Class C misdemeanor.

Texas Penal Code § 39.06 is used by Texas district attorneys in lieu of using Tex. Gov’t Code § 552.352 because it allows for felony prosecution of releases of confidential information. Also, it allows district attorneys to effectively obtain indictments for releasing confidential information without proving information is confidential. The shorthand listing of criminal elements in a bill of indictment often omit important definitions. The requirement of information confidentiality in Section 39.06(d) is contained in such an often-omitted definition. An example of a typical Section 39.06 indictment is as follows:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS THE GRAND JURY, for the County of Winkler, State of Texas, duly elected, impaneled sworn, charged, and organized as such at the March Term, A.D., 2009 of the 109th Judicial District Court for said Court, upon their oaths present in and to said court at said term, that, ANNE MARITCHELL, hereinafter styled Defendant, on or about April 13, 2009, and before the presentment of this indictment, in the County and State aforesaid, did then and there, as a public servant, namely compliance Officer for the Winkler County Hospital, and with intent to harm, for a non-governmental purpose information to which the defendant had access because of the defendant's employment, and which information had not been made public, and forwarding such information to another, AGAINST THE PEACE AND DIGNITY OF THE STATE.

As you can see by the underlined phrase, the average grand juror, unless properly instructed by the district attorney, will not see that the information needs to be confidential pursuant to the Texas Public Information Act in order to approve the requested indictment. Consequently, indictments under Section 39.06 are sometimes quashed because they fail “to allege an offense as a matter of law, with the trial court finding that information presented to the grand jury was not information “prohibited from disclosure under Chapter 552” of the Texas Government Code, as required by the definition of the offense” *State v. Ford*, 179 S.W.3d 117, 122 (Tex.App.–San Antonio 2005).

The regularity with which district attorneys omit the requirement that the information be confidential is dangerous to both defendants and district attorneys. It can lead to quashed indictments. It can also lead to district attorneys indicting with Section 39.06 even though the information at hand is not addressed in the Texas Public Information Act. This fact that the information is not actually confidential pursuant to the Texas Public Information Act often later becomes apparent. This implies that the district attorney was reckless or personally interested in the outcome. Indeed, the personal interest of the district attorney is apparent in most of the reported prosecutions for Misuse of Official Information.

***State v. Ford and State v. Newton:***

*State v. Ford* and *State v. Newton* stemmed from a quashed indictment for misuse of official information against two civil rights attorneys. In that case two attorneys questioned and subpoenaed grand jurors during their pursuit of a civil rights suit against a prosecutor, a county, and an investigator. *State v. Ford*, 179 S.W.3d 117, 119-120, 2005 Tex. App. LEXIS 6844, 1-6 (Tex. App. San Antonio 2005). The Court dismissed the indictment because the information that was released was excluded from coverage under the Texas Public Information Act (PIA), making it impossible for it to be “information prohibited from disclosure” under the PIA. See *State v. Ford*, 179 S.W.3d 117, 122 (Tex.App.–San Antonio 2005) and *State v. Newton*, 179 S.W.3d 104, 106, 2005 Tex. App. LEXIS 6846, 4 (Tex. App. San Antonio 2005).

***State v. Delgado:***

In *State v. Delgado*, a DWI defendant was indicted for misuse of official information after he filed a civil suit against the officer who had arrested him. In that case, the Edinburg Police Department mistakenly included the criminal history information of another person with the same name in a document it gave to Delgado. It then indicted Delgado for presenting this information after he pointed out that another person’s criminal history was mixed up with his own history. The Trial Court applied a presumption of prosecutorial vindictiveness when it dismissed the appeal with the following statement:

The presumption of vindictiveness applies in this case to both counts of the indictment, even though the misuse of official information charge was not pursued initially in 2002. The presumption arises not just when a prosecutor re-indicts an individual on the same charges that were pending before the individual's [25] exercise of a legal right, but also when new and different charges are brought.

*State v. Delgado*, 2009 Tex. App. LEXIS 3913, 24-25 (Tex. App. Corpus Christi June 4, 2009)

### **Victoria, Texas Cases:**

In a series of cases in Victoria, Texas in 2008, the local district attorney reacted angrily to the release of embarrassing information about his Chief of Staff. He obtained indictments against the Mayor, Police Chief, City Attorney, and a police lieutenant on a series of charges, including misuse of official information. The indictments omitted the element that the released information must be confidential pursuant to the Texas Public Information Act. The trial court ultimately quashed the indictments for misuse of official information, finding that the information alleged to be released was not properly alleged to be confidential pursuant to the Texas Public Information Act.

### **Kermit Nurse Cases:**

In a widely reported series of cases in Kermit, Texas, a Sheriff and County Attorney (Scott Tidwell) obtained a confidential complaint that two nurses had filed with the Texas Medical Board against a local doctor, who was a friend of the Sheriff. The Sheriff and County Attorney then used that confidential information to indict the two nurses who had made the complaint with the Texas Medical Board. Scott Tidwell and the District Attorney obtained indictments against the nurses for “misuse of official information.” Acting on behalf of the District Attorney (who was absent from office due to health problems) County Attorney Tidwell pursued the very unpopular indictments despite strong protestations of the Texas Medical Board. The Texas Medical Board feared that using Misuse of Official Information charges against complainants would chill their willingness to file complaints on errant doctors.

County Attorney Tidwell dismissed the Misuse of Official Information cases against the nurses one week before trial. A grand jury then indicted the Sheriff and County Attorney Tidwell for Misuse of Official Information. The Sheriff was convicted of misuse of official information (two counts), retaliation (two counts), and official oppression, and he was removed from office by operation of law. A jury found the County Attorney guilty of misuse of official information (two counts), retaliation (two counts), and official oppression (two counts).

Scott Tidwell appealed his conviction by arguing that the complaints were not confidential. In his appeal, the Court of Appeals upheld the indictment with the following statement:

We agree that the phrase “prohibited from disclosure” in Section 39.06(d) contemplates the set of exceptions to disclosure contained in Subchapter C of the PIA. Ford, 179 S.W.3d at 123. \*13 One of the exemptions from Section 552.021's public-disclosure requirement is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Tex. Gov't Code Ann. § 552.101. The complaint filed with the TMB is



considered confidential by statutory law, and it remains confidential, even if disclosed to a law enforcement agency for purposes of investigation.

Tidwell argues, however, that the TMB failed to request an attorney general decision as provided for by Section 552.301 of the PIA, and therefore, the complaint is presumed to be subject to required public disclosure. He reasons that the TMB's voluntary disclosure of the complaint under these circumstances made the information public rather than prohibited from disclosure. Tidwell's reliance on Section 552.301 is misplaced for three reasons. First, Sheriff Roberts did not request the complaint under the PIA. He requested it pursuant to Section 164.007(h). Therefore, Section 552.301 is inapplicable. Second, the TMB did not seek to withhold the complaint from Sheriff Roberts. Section 552.301 applies only when a governmental body wishes to withhold public information. Third, even if Sheriff Roberts had requested the information pursuant to the PIA and the TMB had failed to submit a request to the attorney general for an opinion, the confidentiality requirement in Section 164.007(h) would constitute a compelling reason to withhold the information. . . .

*Tidwell v. State*, 2013 WL 6405498, 13 (Tex.App.-El Paso,2013)

## **Prosecutions for Transmitting Non-confidential Information between/to Members of a Governmental Body:**

The scope of the Texas Open Meetings Act has been broadened over time to become an avenue for prosecuting the transmission of **nonconfidential** information. Initially, the Texas Open Meetings Act was aimed at prohibiting “meetings” between government officials. Eventually, it was declared to be a violation of the Open Meetings Act to be signing letters between those officials. Later, emails between those officials were declared to be violations. In Tex. Atty. Gen. Op. JC-0307 (November 20, 2000), the Texas Attorney General stated that third parties could be prosecuted for making communications to government officials. In that opinion, the AG discussed the evolution of criminal liability for Open Meetings Act violations as follows:

In Attorney General Opinion DM-95, this office addressed whether members of a governmental body could violate the Act by signing a letter on matters relevant to public business without meeting to take action on the matter in a meeting held pursuant to the Act. After noting that the Act's definitions of the terms “meeting” and “deliberation” speak in terms of a quorum of a governmental body coming together in one location in each other's physical presence, the opinion considered whether members of a governmental body may violate the criminal provisions of the Act when they do not come together in the same location and the gathering therefore does not technically meet these definitions. The opinion carefully analyzed the court's decision in *Hitt v. Mabry*, 687 S.W.2d 791 (Tex. App.-San Antonio 1985, no writ), which concluded that members of a school board had violated the Act by deciding to send out a letter to all parents of the school district without discussion of the matter in an open meeting. **After noting that the court had specifically upheld an order enjoining the school board from polling its members by telephone, this office concluded that “the physical presence of a quorum in a single place at the same time is not always necessary for a violation of [the Act] to occur.** Avoiding the technical definition of ‘meeting’ or ‘deliberation’ is not, therefore, a foolproof insulator from the effect of the act.” Tex. Att’y Gen. Op. No. DM-95 (1992) at 5. *But see Harris County Emergency Serv. Dist. No. 1 v. Harris County Emergency Corps*, 999 S.W.2d 163, 169 (Tex. App.-Houston [14th Dist.] 1999, no pet.) (finding, absent evidence of secret deliberations attempting to circumvent the Act, that where less than a quorum of a governmental body meets together they have not had a “meeting” for purposes of the Act and have not violated the Act). The opinion also noted that the enactment of the statutory predecessor of section 551.143, which prohibits members of a governmental body from conspiring to avoid the Act's requirements by meeting in numbers of less than a quorum, indicates that the legislature did not intend that criminal provision to be strictly construed according to the Act's definitions of meeting and deliberation. *See* Tex. Att’y Gen. Op. No. DM-95 (1992) at 5 (“Indeed, it would appear that the legislature intended expressly to reach deliberate evasions of these definitions in enacting section 4(b) of the act.”); *see also* Tex. Att’y Gen. Op. No. LO-95-055, at 4 (“It is possible for members of a governmental body to violate the Open Meetings Act even [though] they are not physically present in one place, for example, by discussing public business of the governmental body over the telephone.”). Thus, **we believe it is conceivable that members of a governmental body could violate the Act by using third persons as intermediaries to hold a closed meeting or to meet in numbers of less than a quorum.**

We note that two judicial opinions issued after DM-95 could be read to suggest that the Act's definition of "deliberation" as "a *verbal exchange* during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person," Tex. Gov't Code Ann. § 551.001(2) (Vernon Supp. 2000) (emphasis added), includes only spoken communications. See *Gardner v. Herring*, 21 S.W.3d 767, 771 (Tex. App.-Amarillo 2000, no pet.) (concluding that under Act prior to 1999 amendments, "a meeting occurred when there was a 'giving and receiving of spoken words' about a matter of public business or within the body's jurisdiction"); *Dallas Morning News Co. v. Bd. of Trs.*, 861 S.W.2d 532, 537 (Tex. App.-Dallas 1993, writ denied) ("the words 'verbal exchange' mean a reciprocal giving and receiving of spoken words"). In both these cases, the courts considered whether a deliberation occurred when a quorum of a governmental body was present and arguably listened but did not respond to a verbal presentation. Neither case involved written or other forms of exchange, and in neither case did the court distinguish between spoken and other forms of exchange. We therefore do not read these cases to hold that the Act's definition of "deliberation" excludes all forms of nonspoken exchange, such as written materials or electronic mail. Furthermore, the meaning of word "verbal" is not limited to spoken words. See, e.g., XIX Oxford English Dictionary 528 (2d ed. 1989) (defining "verbal" first as "[d]ealing in or with words" and fourth as "[e]xpressed or conveyed by speech instead of writing"); Merriam-Webster's Collegiate Dictionary 1311 (10th ed. 1993) (defining "verbal" first as "of, relating to, or consisting of words" and third as "spoken rather than written"); Black's Law Dictionary 1554 (7th ed. 1999), (defining "verbal" first as "[o]f, relating to, or expressed in words" and second as "[l]oosely, of, relating to, or expressed in spoken words"). In addition, were we to conclude that only spoken communications are included in the definition of "deliberation," then members of a governmental body could easily avoid the Act's requirements by discussing public business via written notes and electronic mail. We decline to give the term "deliberation" such a limited construction.

Tex. Atty. Gen. Op. JC-0307 (November 20, 2000)

In JC-0307, the Attorney General took the position that persons are subject to prosecution for transmitting information pursuant to the Open Meetings Act regardless of whether they were members of a governmental body:

Next, we consider whether a person who is not a member of a governmental body may be criminally liable under section 551.143 or 551.144. On their face, both provisions expressly apply only to members of a governmental body. See Tex. Gov't Code Ann. §§ 551.143(a) ("A *member or group of members of a governmental body* commits an offense . . . ."); 551.144(a) ("A *member of a governmental body* commits an offense . . . .") (Vernon 1994 & Supp. 2000) (emphasis added). Importantly, however, the Penal Code applies to the Act's criminal provisions. See *Martinez v. State*, 879 S.W.2d 54, 56 n.4 (Tex. Crim. App. 1994) (en banc) (concluding that Penal Code applies to Open Meetings Act offenses); Tex. Pen. Code Ann. § 1.03(b) (Vernon 1994) (Penal Code applies to "offenses defined by other laws, unless the statute defining the offense provides otherwise"). Section 7.01 of the Penal Code provides that "[a] person is criminally responsible as a party to an offense if the offense is committed by his own conduct" and that "[e]ach party to an offense may be charged with commission of the offense." Tex.

Pen. Code Ann. § 7.01(a), (b) (Vernon 1994). Section 7.02 of the Penal Code further provides:

(a) A person is criminally responsible for an offense committed by the conduct of another if: . . . (2) *acting with intent* to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense

*Id.* § 7.02(a)(2) (emphasis added).

Pursuant to the Penal Code, a person acts “intentionally” or “with intent” “with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.” *Id.* § 6.03(a). Section 7.03 provides that in “a prosecution in which an actor's criminal responsibility is based on the conduct of another, the actor may be convicted on proof of commission of the offense and that he was a party to its commission.” *Id.* § 7.03. It is no defense “(1) that the actor belongs to a class of persons that by definition of the offense is legally incapable of committing the offense in an individual capacity” or “(2) that the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense, or is immune from prosecution.” *Id.*

Significantly, under chapter 7 of the Penal Code, a person who aids a public officer in the commission of an offense that may only be committed by a public officer may be charged as if he or she had directly committed the offense even though he or she lacked the legal capacity to commit the offense. In *Wooley v. State*, 629 S.W.2d 867 (Tex. App.-Austin 1982, pet. ref'd), the defendant was charged with receiving fruit juice that belonged to a school district from the district's food service director. *See Wooley*, 629 S.W.2d at 869. Although the defendant was not a public official, he was charged and convicted under section 39.01(a)(5) of the Penal Code, prohibiting a public servant from taking anything of value belonging to the government that may have come into his custody by virtue of his employment. *See id.* The defendant unsuccessfully challenged the indictment: “[The defendant] did not and could not commit the offense of official misconduct, but instead he aided the official in the commission of the offense. Nevertheless [the defendant] may be charged as if he had directly committed the offense.” *Id.* at 870. The court also rejected the defendant's contention that the evidence was insufficient to support his conviction for official misconduct because the state did not prove that he was a public official, noting that under chapter 7 of the Penal Code “a party may be held criminally responsible as a party to an offense which he is otherwise legally incapable of committing alone.” *Id.* at 871; *see also Quillin v. State*, 187 S.W. 199 (Tex. Crim. App. 1916) (person who was not a public officer could be prosecuted as a principal for misapplication of public money even though offense applied only to tax collectors).

**Because a person who is not a public official may be held criminally responsible as a party to the offense of official misconduct based on allegation that he aided the official in the commission of the offense, we believe it follows that the law permits the charging of a person who is not a member of a governmental body with an offense under the Open Meetings Act.**

Tex. Atty. Gen. Op. JC-0307 (November 20, 2000)

When applied to the mere transmission of information via emails between public officials, it has been argued that these aspects of the Open Meetings Act are vague and chill the constitutional rights of public officials. In a series of cases, the 5<sup>th</sup> Circuit rejected those arguments.

In *Rangra v. Brown* 584 F.3d 206, 207 -208 (C.A.5 (Tex.) 2009), the 5<sup>th</sup> Circuit refused to hear a Councilman's arguments that he was subject to continuing prosecution that chilled his 1<sup>st</sup> Amendment rights. In that case, City Councilman Rangra had served three consecutive two-year terms (6 years) as Alpine city council member until he was term limited (for one two-year term) at the end of his term on May 19, 2009. During his second term, in February 2005, Councilman Rangra was accused of exchanging emails among a quorum of council members to schedule a council meeting. Councilman Rangra was indicted for a violation of the Texas Open Meetings Act ("TOMA"), but that charge was later nolle prossed or dismissed without prejudice. The district attorney threatened to bring new charges if Councilman Rangra's communications were perceived as violating TOMA again. In September 2005, Councilman Rangra and another city council member brought a § 1983 action for declaratory and injunctive relief, challenging the criminal provisions of TOMA, under which they had been prosecuted, as content-based speech regulations. The district court held that elected city council members are entitled to no more First Amendment protection of their speech pursuant to their official duties than are unelected public employees. However, on appeal, to the 5<sup>th</sup> Circuit, the three-judge panel reversed the district court, holding:

- (1) that elected officials are entitled to full First Amendment protection of their speech pursuant to their official duties;
- (2) that the TOMA provisions at issue are content-based restrictions on speech which must be subjected to strict scrutiny.

The defendants then requested en banc rehearing. Mr. Rangra had ceased to be a member of the City Council by the time of the en banc rehearing. As a result of his non-presence in office at the time of the en banc rehearing, **the 5<sup>th</sup> Circuit determined that the dispute was moot and dismissed the appeal.** *Rangra v. Brown*, No. P-05-CV-075, 2006 WL 3327634 (W.D.Tex. Nov. 7, 2006), rev'd, 566 F.3d 515 (5th Cir.2009), vacated by 576 F.3d 531 (5th Cir. 2009) (granting rehearing en banc), appeal dismissed as moot, 584 F.3d 206 (5th Cir. 2009) (en banc).

The attorneys in the *Rangra* case were committed to the idea that the First Amendment should not make public officials vulnerable to prosecution for the content of their political speech. Therefore, soon after the *Rangra en banc* reversal in 2009, these attorneys began putting together a much broader case that would not be subject to a mootness attack. More than a dozen individual and government entity claimants made First Amendment challenges to the criminal provisions of TOMA in *Asgeirsson v. Abbott*. In *Asgeirsson v. Abbott*, the trial court rejected the public officials' challenges in that matter and held that TOMA only punishes members of governmental bodies "when those members hide that speech from Texas citizens in closed meetings." *Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex. 2011). The trial court stated that TOMA "neither suppresses the speakers' viewpoint nor the content of his or her speech" but instead merely "protects the compelling interest of government transparency." *Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex. 2011).

The 5th Circuit Court of Appeals again rejected the arguments of the public officials, holding that TOMA was content-neutral and not unconstitutionally overbroad or vague. The 5th Circuit described TOMA as a merely a “disclosure statute” and applied intermediate scrutiny to the speech regulation of TOMA. *Asgeirsson v. Abbott*, 696 F.3d 454, (C.A.5 (Tex.) 2012).

Notably, 5th Circuit dismissed the vagueness arguments of TOMA with the following:

A great deal of training may be required to predict the interpretation of the tax code, for example, but that is not because it is standardless or arbitrary. In fact, the vast body of law that causes TOMA to be so complex arguably makes it less vague by providing the necessary standards. . . . Some ambiguity is unavoidable, and “perfect clarity and precise guidance have never been required even of regulations that restrict expressive activity.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 130 S.Ct. 2705, 2719, 177 L.Ed.2d 355 (2010) (citation and internal quotation marks omitted). TOMA is not unconstitutionally vague.

*Asgeirsson v. Abbott*, 696 F.3d 454, 466 -467 (C.A.5 (Tex.) 2012).

In summary, the Texas Open Meetings has been determined by the federal courts to be no more complex or arbitrary than the tax code. All citizens are charged with a full and complete knowledge of the tax code, and may be charged with its violation. Further, The Attorney General has pointed out that any person, regardless of whether they are members of a governmental body, are subject to prosecution under the Texas Open Meetings Act, if they transmit information to a majority of the members of a governmental body. Finally, the 1<sup>st</sup> Amendment is not available as protection for political speech that is transmitted to or from members of a governmental body.

In compliance with our duties under the Texas Rules of Civil Procedure, we attorneys necessarily transmit dozens, sometimes hundreds of communications to the members of our governmental bodies every year. Our clients do the same. Under the most stringent interpretations of the Texas Open Meetings Act, virtually all government officials, many individual citizens, and all members of the media violate the Texas Open Meetings Act on a daily basis with their communications to members of governmental bodies. In this context, every person who deals with members of governmental bodies, including government officials and employees, petitioners for government actions, and reporters, will repeatedly violate TOMA. Therefore, all of these parties must look at a risk-reduction model to reducing the probability of prosecution for the inevitable violation of TOMA that will occur.

## Tips for Avoiding Prosecution for Transferring Information:

How a City Attorney can protect one's clients and oneself against prosecution for one of the many statutes that criminalize the transfer of information:

**1. Be familiar with all reasons for confidentiality and timely assert such confidentiality in response to requests for information.** The attached **Appendix A** is the most comprehensive list I have been able to find.

**2. Ask for subpoenas when you are in agreement that otherwise-nonreleasable information related to a case should be released.** In Attorney General Opinion LO-95-025 (1995), the AG opined that:

The Open Records Act, including its exceptions and its penalty provision, is not applicable to the production of information pursuant to a subpoena duces tecum issued under chapter 24 of the Code of Criminal Procedure.

**3. Review executive session notices on agendas and stay within the scope of the executive session notice.** Exceeding the scope of an executive session notice can effectively result in strict liability for a resulting offense. In *Tovar v. State*, the Court of Criminal Appeals upheld the conviction of Joseph Louis Tovar, former president of the Somerset Independent School District board. Tovar was found guilty by a jury of knowingly participating in and knowingly calling a special, closed-door school board meeting in 1994 that violated the Open Meetings Act. In that case, Tovar claimed that he went into closed session for the purpose of discussing the termination of an architect and did not realize that the expansion of the executive session discussion to include discussion of the location of a proposed school was a violation of the Open Meetings Act.

The Court of Criminal Appeals effectively established strict criminal liability for all matters other than calling, aiding, closing or participating in the meeting when it stated:

. . . the term "knowingly" in the act only modified the verbs calls, aids, closes or participates, and ... no other term of mental state modified the phrase "if a closed meeting is not permitted."

*Tovar v. State*, 978 S.W.2d 584, 584, 1998 Tex. Crim. App. LEXIS 144, 1 (Tex. Crim. App. 1998)

This removing of an element of mens rea is an especially dangerous opinion when it is coupled with the expansion of Open Meetings jurisprudence to include mere emails or letters.

**4. When in doubt about whether a topic on the executive session notice may be discussed, provide an opinion that can cloak members of the governmental body with an additional defense to prosecution.** Texas Government Code § 551.144(c) provides:

(c) It is an affirmative defense to prosecution under Subsection (a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body.

An easy way to add this protection to your agenda is with the following boilerplate:

The description of an item in “Executive Sessions” constitutes the written interpretation by the City Attorney of Chapter 551 of the Texas Government Code and further constitutes the City Attorney’s determination that said item may be legally discussed in Closed Meeting in compliance with Chapter 551 the Texas Government Code.

**5. Review or draft the agendas of executive sessions.** The certified agenda of an executive session should match the executive session notice in the agenda of the open meeting. A variance between those two documents may simply reflect a different way of describing information. However, with strict liability attaching to matters discussed in closed meetings, a conviction for participating in a closed meeting could be based on a certified agenda.

**6. Never put a majority of members of a governmental body in the “To” or “cc” line of an email.** It is too easy for one of the recipients to hit “Reply to All” thereby making all participants simultaneous members of a deliberation in the email chain. This can make all participants, including the original sender potential fodder for an Open Meetings prosecution.

A relatively innocent and routine matter, such as deciding whether to put an item on an agenda for future discussion, can become the subject of criminal prosecution. The case of *Avinash Rangra, Anna Monclova, and All Other Public Officials in Texas, Plaintiffs v. Frank D. Brown, 83rd Judicial District Attorney, Greg Abbott, Texas Attorney General, and the State of Texas, Defendants* arose from an ultimately dismissed prosecution of a City Councilmember who had sent an email to four other councilmembers asking if they felt that a particular item should be placed on a future agenda. See 2006 WL 3327634 (W.D. Tex., November 07, 2006).

Instead, when sending email updates, use “bcc”.

**7. Do not poll a majority of members of a governmental body, even when using “bcc”.** Seeking a decision of the governmental body on an issue looks like an attempt to circumvent the Open Meetings Act. Instead give statements to enable you to maintain the position that you are simply sending information to members of the group with no expectation of “deliberation” or “discussion.”

**8. Remember the “Interagency Transfer Doctrine”, which provides**

. . . information may be transferred between governmental bodies without violating its confidential character on the basis of a recognized need to maintain an unrestricted flow of information between governmental bodies. /d. Importantly, the " interagency transfer" doctrine is inapplicable where a statute enumerates specific entities 10 which the release of confidential information is authorized and the potential receiving governmental body is not among the statute's enumerated entities. See Op. Tex. Att'y Gen. Nos. DM-353 (1995), at 4 n. 6, JM-590 ( 1986, at 4-5; Tex. Att'y Gen. ORO-655 (1997) at 8.

Scott Brumley, *Preventive Medicine for Viral Data: Public Information Act Practice Tips*, State Bar of Texas 25<sup>th</sup> Annual Suing & Defending Governmental Entities Course, July 18-19, 2013.



**9. Be ready to deal with fiscal issues of prosecution. If a member of your governmental entity is wrongly prosecuted for transmitting information to another entity, the governmental entity may, if it chooses, decide to pay for the defense of those public officials.** In GA-0523, the Attorney General approved the reimbursement of officials for their legal fees incurred in unsuccessful prosecutions involving their performance of their duties, as follows:

Finally, we are asked whether the county may pay legal bills in some instances but not in others. *See* Request Letter, *supra* note 1, at 3. A county's "decision to provide or not provide counsel is one of governmental policy and discretion." White, 12 S.W.3d at 104 (discussing a county's discretion to defend a sheriff from criminal charges). Provided that the official or employee is not found guilty, the commissioners court may reimburse criminal defense costs upon its determination that the prosecution was for an act performed in the bona fide [11] performance of official duties and that the expenditure will serve a public interest and not merely an officer's or employee's private interest. *See* Tex. Att'y Gen. Op. No. JC-0294 (2000) at 1, 2-3. Consequently, within these bounds, the commissioners court has discretion to determine whether to pay legal bills in some instances but not in others, subject to judicial review.

Tex. Att'y Gen'l Op. No. GA-0523 (2007).

Also see the following from Tex. Att'y Gen'l Op. No. JC-0294 (2000):

A city council member is disqualified from voting on a resolution to pay his or her own legal fees or the legal fees of another city council member indicted on the same facts for the same offense.

Although it is not required to do so, a city council may spend public funds to reimburse a city council member for the legal expenses of defending against an unjustified prosecution for Open Meetings Act violations. It may not decide to pay for such legal expenses until it knows the outcome of the criminal prosecution. The city may not pay the expenses of a city council member who is found guilty of such violations.

If the city council were able to take valid action to pay the attorney's fees of a city council member, the fees could be paid from the revenues of the city's water system revenues operated under chapter 402 of the Local Government Code.

Attorney General Opinion No. DM488 (1998) is overruled with respect to its statement that the disposition of charges in a criminal case against a chief appraiser is not relevant to the appraisal board's decision to reimburse him for his legal fees in defending against the charges.

Tex. Att'y Gen'l Op. No. JC-0294 (2000).

Finally, see the most recent opinion:

Provided that the official or employee is not found guilty, the commissioners court may reimburse criminal defense costs upon its determination that the prosecution was for an act performed in the bona fide performance of official duties and that the expenditure will serve a public interest and not merely an officer's or employee's private interest.

Tex. Att'y Gen'l Op. No. KP-0016 (May 11, 2015)

A more aggressive approach would be paying for those legal fees, subject to a contractual obligation to reimburse in the event of a conviction. Such an approach is not approved by the Attorney General, but there are no court cases directly prohibiting such a practice. To reduce the chances of prosecution for engaging in such practice, an authorization of payment of these legal fees should be adopted by the governing body and contain findings substantiating the legality of the action.

**10. Develop a good working relationship with the District Attorney's office.** All of the cases of prosecution for releasing information that I was able to locate involved the personal interest of a District Attorney or his friends and supporters. This is not always effective because a prosecutor's animosity may merely be aimed at a representative of your client. Removing an effective attorney is an occasional prosecution strategy.

**11. Preserve evidence, instruct your fellow officials to preserve evidence, and avoid all statements to prosecutors and law enforcement that are not 100% verifiably true.** Prosecutors recognize that most criminal cases involving the transmission of information from government officials will fail. Accordingly, they often bolster their cases with allegations of tampering with evidence, obstruction of justice, or other broad charges. Criminal statutes of limitations are almost always shorter than the minimum time that one has to maintain information pursuant to the records retention schedules for a particular type of information. Therefore, attorneys for governmental entities should scrupulously maintain information in accordance with the longest interpretations of retention obligations.

**12. Avoid all statements to prosecutors and law enforcement that are not 100% verifiably true and backed up by solid documentation.** If you believe that someone will testify in a manner counter to you, avoid testifying as long as possible. If you believe that someone is attempting to prosecute you, plead the 5th. As we saw earlier, all 39.06 (Misuse of Official Information) prosecutions that reached the appellate stage involved a conflict of interest on the part of the district attorney. A DA with a reason to get you will look for any inconsistent testimony to use in a perjury or obstruction of justice prosecution. If you are targeted, you should maximize your defense advantage by using the 5th Amendment until trial.

**Appendix A** from Scott Brumley, *Preventive Medicine for Viral Data: Public Information Act Practice Tips*, State Bar of Texas 25<sup>th</sup> Annual Suing & Defending Governmental Entities Course, July 18-19, 2013.

[Special thanks to Scott Brumley for compiling this list and authorizing its reprint here]

**TEXAS CONSTITUTIONAL PROVISION AND STATUTES OUTSIDE  
PUBLIC INFORMATION ACT ASSIGNING CONFIDENTIALITY TO INFORMATION<sup>1</sup>**

<b>Statutory Citation</b>	<b>Information Made Confidential</b>
<b>TEXAS CONSTITUTION</b>	
Tex. Const. art. V, § 1-a(10)	All papers filed with and proceedings before Commission on Judicial Conduct or Master (unless otherwise provided by law; giving of testimony before commission or master shall be privileged)
<b>AGRICULTURE CODE</b>	
Tex. Agric. Code § 12.046(c)	Information provided to Department of Agriculture by Department of Public Safety that is criminal history record information relating to person who applies for license issued by department, holds license issued by department, requests determination of eligibility for license issued by department or is employee, volunteer or intern of department, or applicant to be employee, volunteer or intern of department
Tex. Agric. Code § 14.021(a)	Financial information of public grain warehouse operator provided to Department of Agriculture
Tex. Agric. Code § 41.162(f)	Individual voter information, including individual's vote in assessment referendum (concerning Texas Beef Council)
Tex. Agric. Code § 41.212(f)	Individual voter information, including individual's vote in assessment referendum (concerning Texas Grain Producer Indemnity Board)
Tex. Agric. Code § 74.114(j)	Individual voter information, including individual's vote in referendum or board election (concerning Texas Boll Weevil Eradication Foundation, Inc.)
Tex. Agric. Code § 76.119(b)	Name, address or telephone number of person who holds private pesticide applicator license and is authorized to use predator control device if disclosure of person's name, address or telephone number would reveal that person is authorized to use predator control device, has used predator control device or intends to use predator control device; name, address or telephone number of owner or operator of land on which predator control device has been used, is being used or is intended to be used if disclosure of information would reveal use or intended use; or information identifying land on which predator control device has been used, is being used or is intended to be used if disclosure of information would reveal

	name, address or telephone number of owner or operator of land (governmental entity “may not disclose” above-described information)
Tex. Agric. Code § 80.016(j)	Individual voter information, including individual’s vote in referendum or board election (concerning Citrus Producers’ Pest and Disease Management Corporation)
Tex. Agric. Code § 95.013(c)	Formula of coloring matter (for use on citrus) provided to Department of Agriculture
Tex. Agric. Code § 102.166(b)	Information obtained by Department of Agriculture regarding citrus marketing agreement or license
Tex. Agric. Code § 131.045(c)	Map submitted to Chief Apiary Inspector showing exact location of each of beekeeper’s apiaries (expressly made “trade secret”)
Tex. Agric. Code § 141.074(e)	Record or report maintained by licensee or filed with Feed and Fertilizer Control Service (for purpose of determining accurate tonnage of commercial feed distributed in Texas or identifying or verifying tonnage reports)
Tex. Agric. Code § 161.056(e)	Information collected by Texas Animal Health Commission regarding animal identification program to trace disease-infected animals or animals that have been exposed to disease
<b>ALCOHOLIC BEVERAGE CODE</b>	
Tex. Alco. Bev. Code § 106.117(d)	Information maintained by Department of Public Safety concerning juvenile adjudication, conviction, order of deferred disposition or acquittal of offense under chapter 106
Tex. Alco. Bev. Code § 108.78	Any concessionaire, sponsorship, advertisement or promotional agreement, or related agreement and exhibits to agreement, entered into, submitted, filed or requested by Administrator of Alcoholic Beverage Commission or commission
<b>BUSINESS AND COMMERCE CODE</b>	
Tex. Bus. & Com. Code § 303.003(b)	Document filed with Attorney General (under filing requirement concerning telephone solicitation for certain law enforcement-related charitable organizations) that identifies donors to law enforcement-related charitable organization
Tex. Bus. & Com. Code § 503.001(c)	Biometric identifier (retina or iris scan, fingerprint, voiceprint or record of hand or face geometry) captured for commercial purpose (unless individual consents to disclosure for identification purposes in event of individual’s disappearance or death, disclosure complete financial transaction individual requested or authorized, disclosure is permitted by federal statute or state statute other than PIA or disclosure is made by or to law enforcement agency for law enforcement purposes in response to warrant)

Tex. Bus. & Com. Code § 521.104(a)	Information contained in order declaring individual to be victim of identity theft (order must be sealed because of confidential nature of information required to be included in order)
<b>CIVIL PRACTICE AND REMEDIES CODE</b>	
Tex. Civ. Prac. & Rem. Code § 154.053(c)	Unless parties agree otherwise, all matters—including conduct and demeanor of parties and counsel during settlement process—during alternative dispute resolution procedure
Tex. Civ. Prac. & Rem. Code § 154.073(a), (b)	Communication relating to subject matter of civil or criminal dispute made by participant in alternative dispute resolution procedure; record made at alternative dispute resolution procedure
<b>CODE OF CRIMINAL PROCEDURE</b>	
Tex. Code Crim. Proc. art. 11.071, § 3(b)	Ex parte, verified request for prepayment of expenses, including expert fees, to investigate and present potential habeas corpus claims in death penalty habeas corpus case
Tex. Code Crim. Proc. art. 15.27(a), (b), (c), (f)	Information provided in notice to public or private school of arrest, referral, conviction, deferred adjudication, adjudication of delinquent conduct, parole, probation and sex offender registration requirement (if any) concerning student or person believed to be student enrolled in school receiving information
Tex. Code Crim. Proc. art. 19.42(a)	Information collected by court, court personnel or prosecuting attorney during grand jury selection process about person who serves as grand juror, including person's home address, home telephone number, social security number, driver's license number and other personal information (may be disclosed to party to proceeding with court order for good cause shown)
Tex. Code Crim. Proc. art. 20.02(a), (c)	Proceedings of, records made during proceedings, typewritten transcriptions of records or anything transpiring before grand jury (expressly made "secret")
Tex. Code Crim. Proc. art. 26.052(f)	Pretrial ex parte request by appointed counsel for advance payment of expenses to investigate potential defenses in death penalty case
Tex. Code Crim. Proc. art. 35.29	Information collected by court or prosecuting attorney during jury selection process about person who serves as juror, including juror's home address, home telephone number, social security number, driver's license number and other personal information (may be disclosed on application by party in trial or bona fide member of news media acting in that capacity, showing of good cause and order of court)
Tex. Code Crim. Proc. art. 42.0191(b)(3)	Part of papers in criminal case containing

	affirmative finding that victim in trial is or has been victim of severe form of trafficking in persons, as defined by 22 U.S.C. § 7102(9), or has suffered substantial physical or mental abuse as result of having been victim of criminal activity described in 8 U.S.C. § 1101(a)(15)(U)(iii) (unless written consent for release of affirmative finding is obtained from victim or, if victim is younger than 18 years of age, victim's parent or guardian)
Tex. Code Crim. Proc. art. 44.2811	All records, files and information stored by electronic means or otherwise from which a record or file could be generated relating to child who is convicted of and has satisfied judgment for fine-only misdemeanor offense other than traffic offense (including those records if child's conviction is affirmed upon satisfaction of judgment)
Tex. Code Crim. Proc. art. 45.0217(a)	Records and files (including electronic) relating to child who is convicted of and has satisfied judgment for fine-only misdemeanor offense other than traffic offense
Tex. Code Crim. Proc. art. 56.065(j)	Communication or record that contains identifying information (revealing identity, personal history or background of person or concerning victimization of person) regarding person who receives forensic medical examination (concerning sexual assault) that is created by, provided to or in control or possession of Department of Public Safety
Tex. Code Crim. Proc. art. 56.88(a)	Information relating to participant (in address confidentiality program for victims of family violence)
Tex. Code Crim. Proc. art. 57.02(d)	Completed and returned pseudonym form (concerning victim of sexual assault)
Tex. Code Crim. Proc. art. 57B.02(d)	Completed and returned pseudonym form (concerning victim of family violence)
Tex. Code Crim. Proc. art. 57D.02(d)	Completed and returned pseudonym form (concerning victim of trafficking of persons)
Tex. Code Crim. Proc. art. 59.14(b)	Information provided by attorney representing the State and received by state or federal financial institution regulator (consisting of notification to Banking Commissioner prior to taking any action under contraband forfeiture laws implicating potentially culpable officer or director of regulated financial institution, with notice provided by commissioner to appropriate state or federal financial institution regulator)
Tex. Code Crim. Proc. art. 61.09(e)	Information subject of in camera review of criminal information (concerning criminal combinations and street gangs)
Tex. Code Crim. Proc. art. 62.403(c)	Individual risk assessment provided by Council on Sex Offender Treatment to person (concerning sex

	offender registration and early termination of registration requirement)
Tex. Code Crim. Proc. art. 63.015(b)	Information given on request of law enforcement agency by city or state agency about missing child or missing person (for assistance in completing investigation)
Tex. Code Crim. Proc. art. 63.017	Records of Missing Children and Missing Persons Information Clearinghouse that relate to investigation by law enforcement agency of missing child, missing person or unidentified body and records or notations that clearinghouse maintains for internal use in matters relating to missing children, missing persons or unidentified bodies
Tex. Code Crim. Proc. art. 63.062(a)	Results of forensic DNA analysis performed by University of North Texas Health Science Center at Fort Worth
<b>EDUCATION CODE</b>	
Tex. Educ. Code § 21.048(c-1)	Results of examination administered by State Board for Educator Certification (unless disclosure is regarding notification to parent of assignment of uncertified teacher to classroom or educator has failed examination more than five times)
Tex. Educ. Code § 21.355(a)	Document evaluating performance of teacher or administrator
Tex. Educ. Code § 25.002(b)	Information in notice from school district to Missing Children and Missing Persons Information Clearinghouse of child's name as shown on identifying document or records and name under which child is enrolled, if child is enrolled under name other than child's name as it appears in identifying document or records (may be released to law enforcement agency)
Tex. Educ. Code § 26.013(d)	Directory information concerning student (except as consented to by parent for use only for limited school-sponsored purpose, such as for student directory, student yearbook or school district publication if any such purpose has been designated by school district)
Tex. Educ. Code § 28.058	All information regarding individual student received by Commissioner of Education (concerning advanced placement initiatives)
Tex. Educ. Code § 33.091(e)	Results of steroid test conducted by University Interscholastic League on high school student participating in athletic competition sponsored or sanctioned by league (may be released to student, student's parent, activity directors, principal and assistant principals of school attended by student)
Tex. Educ. Code § 37.006(o)	Information concerning student removal to a disciplinary alternative education program based on

	certain criminal, alcohol-related, drug-related or sex-related conduct that is provided to educator who has responsibility for, or is under direction and supervision of educator who has responsibility for, instruction of student (may share information with student's parent or guardian as provided by state or federal law)
Tex. Educ. Code § 37.007(g)	Information concerning student expulsion based on commission of enumerated criminal offense that is provided to educator who has responsibility for, or is under direction and supervision of educator who has responsibility for, student who has engaged in enumerated violation (may reveal to person entitled under section or student's parent or guardian as provided by state or federal law)
Tex. Educ. Code § 37.008(j)	Information concerning transferred student's order for placement in disciplinary alternative education program issued by previously-attended school district provided to educator who has responsibility for, or is under direction and supervision of educator who has responsibility for, student subject to placement order (may share information with student's parent or guardian as provided by state or federal law)
Tex. Educ. Code § 38.103(b)	Results of individual student performance on physical fitness assessment instrument
Tex. Educ. Code § 39.030(a), (b)	Assessment instruments or assessment instrument items; results of individual student performance on academic skills assessment instruments (subject to release only in accordance with Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g)); overall student performance data aggregated by ethnicity, sex, grade level, subject area, campus and district must be made available to public, but information may not contain names of individual students or teachers
Tex. Educ. Code § 39.0301(d), (f)	Any document created for deliberation of advisory committee (to advise education commissioner, Texas Education Agency on monitoring of assessment practices and means to identify potential violations of assessment instrument security), statistical methods, standards for identifying violations of assessment instrument security and results of applying those methods, standards; identity of school district selected for audit to determine compliance with procedures for administration and security of assessment instruments (until after completion of audit)
Tex. Educ. Code § 39.0302(d)(1)	All information and materials subpoenaed or compiled in connection with investigation or audit



	of school district, accreditation investigation or investigation by State Board for Educator Certification of educator for alleged violation of assessment instrument security procedure
Tex. Educ. Code § 39.266	All information and reports received by Commissioner of Education from schools or school districts concerning successful school awards which is deemed confidential under chapter 552, Government Code
Tex. Educ. Code § 51.217(g)	Personal information of individual maintained in (higher education) institution's emergency notification system (includes e-mail address or telephone number maintained in order to notify individual of emergency)
Tex. Educ. Code § 51.218(e)	Personal identifying information obtained from individual for purpose of emergency alert system of institution of higher education, including e-mail address or telephone number
Tex. Educ. Code § 51.8246(a)	Student education records created or considered under Joint Admission Medical Program
Tex. Educ. Code § 51.910(b)	Rare books, original manuscripts, personal papers, unpublished letters and audio and video tapes held by institution of higher education for purposes of historical research (public access may be restricted to protect actual or potential value of materials and privacy of donors)
Tex. Educ. Code § 51.914	All information relating to product, device or process, application or use of such product, device or process and all technological and scientific information (including computer programs) developed in whole or in part at state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have potential for being sold, traded or licensed for fee; similar information that is the proprietary information of a person, partnership, corporation or federal agency that has been disclosed to institution of higher education solely for purposes of written research contract or grant that contains provision prohibiting institution of higher education from disclosing such proprietary information to third persons or parties; plans, specifications, blueprints and designs, including related proprietary information, of scientific research and development facility that is jointly financed by federal government and local government or state agency, including institution of higher education, if facility is designed and built for purposes of promoting scientific research and development and increasing economic development

	and diversification of Texas; information maintained by or for institution of higher education that would reveal institution's plans or negotiations for commercialization or proposed research agreement, contract or grant, or that consists of unpublished research or data that may be commercialized (unless information has been published, is patented or is otherwise subject to executed license, sponsored research agreement or research contract or grant)
Tex. Educ. Code § 51.951(a)	Information related to location, purchase price or sale price of real property purchased or sold by or for institution of higher education until deed for property is executed (information includes appraisal, completed report, evaluation, investigation conducted for purpose of locating or determining purchase or sale price of property or any report prepared in anticipation of purchasing or selling real property)
Tex. Educ. Code § 51.971(c)	Information that directly or indirectly reveals identity of individual who made report to compliance program office of institution of higher education, sought guidance from office or participated in investigation conducted under compliance program; information that directly or indirectly reveals identity of individual as person who is alleged to have or may have planned, initiated or participated in activities that are subject of report made to compliance program office of institution of higher education if, after completing investigation, office determines report to be unsubstantiated or without merit
Tex. Educ. Code § 54.633(k)	Identity of donor of funding for Prepaid Higher Education Tuition Scholarship who desires to remain anonymous and records of direct-support organization (other than annual audit of organization)
Tex. Educ. Code § 54.643(a)	Records in custody of Prepaid Higher Education Tuition Board relating to participation of specific purchasers and beneficiaries in Prepaid Higher Education Tuition Program (Texas Tomorrow Fund II)
Tex. Educ. Code § 54.714(b)	Information relating to beneficiary or owner of savings trust account, including any personally identifiable information about owner or beneficiary, concerning Higher Education Savings Plan
Tex. Educ. Code § 54.775(a)	Records in custody of Prepaid Higher Education Tuition Board relating to participation of specific purchasers and beneficiaries in Prepaid Tuition

	Unit Undergraduate Education Program
Tex. Educ. Code § 54.806(a)	Records in custody of Prepaid Higher Education Tuition Board relating to participation of specific purchasers, beneficiaries, applicants, scholarship recipients or donors under Texas Save and Match Program
Tex. Educ. Code § 57.11(d)	Student loan borrower information collected, assembled or maintained by Texas Guaranteed Student Loan Corporation
Tex. Educ. Code § 58.0051(g)	Personally identifiable education records received by juvenile service provider from independent school district or charter school
Tex. Educ. Code § 66.65(b)	Information related to administration of leases, collection and disposition of royalties, any other matter related to lease, or sale or production of, or exploration for, oil, gas or any other mineral or resource (including renewables) on state or university lands between regents, staff of University of Texas System, regents, staff of Texas A&M University System, commissioner, staff of General Land Office, office of Comptroller, office of attorney general and any other agency or official of state with reasonable business interest in state or university lands
Tex. Educ. Code § 66.81(a)	Documents and information secured, derived, or obtained during course of inspection or examination of books, accounts, record or other reports of lessee or third party or contracts, agreements, or amendment provided to board of regents concerning Permanent University Fund resources
Tex. Educ. Code § 142.007	Information submitted as part of pre-proposal or proposal or related to evaluation and selection of research projects to be funded by Norman Hackerman Advanced Research Program (unless made public by Higher Education Coordinating Board rule)
Tex. Educ. Code § 143.008	Information submitted as part of pre-proposal or proposal or related to evaluation and selection of research projects to be funded by Advanced Technology Program (unless made public by Higher Education Coordinating Board rule)
<b>ELECTION CODE</b>	
Tex. Elec. Code § 13.004(c)	Information furnished on voter registration application consisting of: social security number; Texas driver's license number; number of personal identification card issued by Department of Public Safety; indication that applicant is interested in working as election judge; or residence address of applicant if applicant is federal or state judge or

	spouse of federal or state judge and included required affidavit
Tex. Elec. Code § 20.032(d)	Information regarding voter registration agency or office (Health and Human Services Commission, Department of Aging and Disability Services, Department of Assistive and Rehabilitative Services, Department of State Health Services and any other agency or program determined by Secretary of State that primarily provides public assistance or services to persons with disabilities) to which application for voter registration is submitted (may only be used for voter registration purposes)
Tex. Elec. Code § 20.036(d)	Declination of (voter) registration form (may only be used for voter registration purposes)
Tex. Elec. Code § 61.012(a)(2)	Casting of ballot by voters with physical disabilities (expressly made “secret”)
Tex. Elec. Code § 62.0115(b)(2)	Vote (expressly provided voter has right to vote “in secret and free from intimidation”)
Tex. Elec. Code § 65.060	Social security number, Texas driver’s license number or number of personal identification card issued by Department of Public Safety furnished on provisional ballot affidavit
Tex. Elec. Code § 84.0021(b)	Information contained in application for early voting ballot relating to address at which applicant is registered to vote
Tex. Elec. Code § 101.103	E-mail address used to request (early voting) balloting materials (early voting clerk must ensure that voter’s e-mail address is excluded from public disclosure)
Tex. Elec. Code § 273.043	Examination of ballots before grand jury (expressly made “secret”)
<b>FAMILY CODE</b>	
Tex. Fam. Code § 6.411(b)	All pleadings and other documents filed with court in suit for dissolution of marriage (may not be released to person who is not party to suit until after date of service of citation or 31 <sup>st</sup> day after date of filing of suit, whichever is sooner)
Tex. Fam. Code § 6.705(c)	Files, records and other work products of counselor named by court to counsel parties in suit for divorce
Tex. Fam. Code § 8.152(c)(2)	Obligee’s address and social security number in order of withholding (if requested by obligee and obligee or member of obligee’s family is victim of family violence and is subject of protective order to which obligor is also subject)
Tex. Fam. Code § 15.113	If (and to extent) agreed to by parties in signed record or as provided by other law, collaborative family law communication; conduct and demeanor of parties and nonparty participants, including their

	collaborative lawyers; communications related to collaborative family law matter occurring before signing of collaborative family law participation agreement
Tex. Fam. Code § 33.002(f)	Physician's certification to Texas Department of Health and in patient's medical record that on basis of physician's good faith clinical judgment, condition exists that complicates medical condition of pregnant minor and necessitates immediate abortion of her pregnancy to avert her death or to avoid serious risk of substantial and irreversible impairment of major bodily function (personal identifying information about minor, including her name, address or social security number may not be included in certification)
Tex. Fam. Code § 33.003(k), (l)	Application, all court documents pertaining to proceeding, order of court in proceeding to authorize minor to have abortion without notification to one of her parents, managing conservator or guardian
Tex. Fam. Code § 33.004(c)	Ruling of court of appeals concerning denial of minor's application for order to have abortion without notification
Tex. Fam. Code § 33.010	Information obtained by Department of Family and Protective Services or another entity concerning report or evidence of physical or sexual abuse discovered in course of abortion proceeding (except as necessary for prosecution of sexual offense)
Tex. Fam. Code § 54.033(f)	Results of test at direction of juvenile court to determine if child found to have engaged in delinquent conduct that included indecency with a child, sexual assault or aggravated sexual assault has sexually transmitted disease, AIDS, HIV infection, antibodies to HIV or infection with any other probable causative agent of AIDS
Tex. Fam. Code § 54.04(w)(3)	Part of papers in juvenile case containing affirmative finding that victim in trial is or has been victim of severe form of trafficking in persons (as defined by 22 U.S.C. § 7102(8)) or has suffered substantial physical or mental abuse as result of having been victim of criminal activity described by 8 U.S.C. § 1101(a)(15)(U)(iii) (unless written consent for release of affirmative finding is obtained from victim or, if victim is younger than 18 years of age, victim's parent or guardian)
Tex. Fam. Code § 58.005	Records and files concerning child, including personally identifiable information, information obtained for purpose of diagnosis, examination, evaluation or treatment or for making referral for treatment of child by public or private agency or

	institution providing supervision of child by arrangement of juvenile court or having custody of child under order of juvenile court
Tex. Fam. Code § 58.007(b), (c)	Records or files concerning child who is party to Juvenile Justice Code proceeding of juvenile court, clerk of court, juvenile probation department or prosecuting attorney; law enforcement records, files concerning child, information stored by electronic means or otherwise concerning child
Tex. Fam. Code § 58.00711	Records and files (including electronic) relating to child who is convicted of and has satisfied judgment for fine-only misdemeanor offense other than traffic offense
Tex. Fam. Code § 58.0072(a)	Juvenile justice information collected and maintained by Juvenile Probation Commission (now Juvenile Justice Commission) for statistical and research purposes
Tex. Fam. Code § 58.106	Information contained in juvenile justice information system
Tex. Fam. Code § 58.307	Information that is part of local juvenile justice information system
Tex. Fam. Code § 82.010(b), (c)	(In county with population of 3.4 million or more) Application for (family violence) protective order (except as to respondent and until sooner of date of service of notice or date of hearing on application); application requesting issuance of temporary ex parte order (except as to respondent and until after date court or law enforcement informs respondent of court's order)
Tex. Fam. Code § 85.007(b)(2)	Address and telephone number of person protected by (family violence protective) order (order shall state county in which person resides), place of employment or business of person protected by order or child-care facility or school child protected by order attends or in which child resides (if requested by person protected by order or member of family or household of person protected by order)
Tex. Fam. Code § 102.0086(b)	All pleadings and other documents filed with court in suit affecting parent-child relationship (in county with population of 3.4 million or more) (may be released to person who is not party to suit after date of service of citation or 31 <sup>st</sup> day after date of filing suit, whichever is sooner)
Tex. Fam. Code § 108.001(c)	Certified record of order rendered in suit (affecting parent-child relationship), together with name and all prior names, birth date and place of birth of child maintained by Bureau of Vital Statistics
Tex. Fam. Code § 108.003(b)	Records concerning child maintained by district clerk after rendition of decree of adoption, records

	of child-placing agency that has ceased operations and records maintained by Bureau of Vital Statistics (name of adopted child after adoption as shown in order, birth date of adopted child, docket number of suit, identity of court rendering adoption, date of order, name and address of each parent, guardian, managing conservator or other person whose consent to adoption was required or whose parental rights were terminated, identity of licensed child placing agency, if any, through which child was placed for adoption and identity, address and telephone number of registry through which adopted child may register as adoptee) (may be revealed as otherwise provided by law, for good cause shown or on order of court that granted adoption or terminated proceedings)
Tex. Fam. Code § 154.1826(o)	Health information obtained by child health insurance program (“CHIP”), or by third-party administrator providing program services, that is subject to Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.) or chapter 181, Health and Safety Code; personally identifiable financial information or supporting documentation of parent whose child is enrolled in program that is obtained by program or third-party administrator providing program services
Tex. Fam. Code § 160.412(b)	Information contained in Bureau of Vital Statistic’s Registry of Paternity (may be released on request to court or person designated by court, mother of child who is subject of registration, agency authorized by law to receive information, licensed child-placing agency, support enforcement agency, party or party’s attorney of record to proceeding on paternity, adoption or termination of parental rights regarding child who is subject of registration and paternity registry in another state)
Tex. Fam. Code § 160.757	Proceedings, records and identities of parties to gestational agreement (concerning pregnancy by means of assisted reproduction) (subject to “same standards of confidentiality that apply to an adoption under the laws of this state”)
Tex. Fam. Code § 162.006(a)	Identity of biological parents and any other person whose identity is confidential within adoption registry records and information
Tex. Fam. Code § 162.022	Records concerning child maintained by district clerk after entry of order of adoption (may only be accessed or disclosed for good cause under order of court that issued order)
Tex. Fam. Code § 162.419(a)	Applications, registrations, records and other

	information submitted to, obtained by or otherwise acquired by mutual consent voluntary adoption registry
Tex. Fam. Code § 231.108	All files and records of Title IV-D services provided, including information concerning custodial parent, noncustodial parent, child and alleged or presumed father
Tex. Fam. Code § 231.302(e)	Social security number provided to Title IV-D agency
Tex. Fam. Code § 261.101(d)	Identity of individual making report of abuse or neglect of child (unless waived in writing by person making report)
Tex. Fam. Code § 261.201(a)	Report of alleged or suspected child abuse or neglect and identity of person making report; files, reports, records, communications, audiotapes, videotapes, working papers used or developed in investigation or in providing services as result of investigation of child abuse or neglect
Tex. Fam. Code § 261.303(e)	Confidential locating or identifying information held by person, including utility company, regarding family that is subject of investigation which must be released to Department of Family and Protective Services on request (release to department is not subject to PIA liability for release of confidential information)
Tex. Fam. Code § 261.314(b)	Results of test (as necessary for welfare of child who Department of Family and Protective Services believes, after investigation, has been sexually abused, including HIV testing of child who was abused in manner by which HIV may be transmitted)
Tex. Fam. Code § 262.308(a), (b)	All identifying information, documentation or other records regarding person who voluntarily delivers child to designated emergency infant care provider; any pleading or other document filed with court concerning emergency possession of certain abandoned children
Tex. Fam. Code § 264.118(b)	Identity of each child participating in Department of Family and Protective Services survey for use in National Youth in Transition Database
Tex. Fam. Code § 264.408(a)-(c)	Files, reports, records, communications, working papers used or developed in providing child advocacy center services; information related to investigation or report of abuse or neglect of child, services provided as result of investigation
Tex. Fam. Code § 264.511(a)	Information, records acquired by child fatality review team committee or by child fatality review team in exercise of its purpose and duties
Tex. Fam. Code § 264.614(a)	Files, reports, records, communications and working papers used or developed in providing



	Court-Appointed Volunteer Advocate (“CASA”) services
<b>FINANCE CODE</b>	
Tex. Fin. Code § 14.154(a)	Criminal history record information received by Office of Consumer Credit Commissioner
Tex. Fin. Code § 14.2015(a)	Information or material obtained or compiled by Consumer Credit Commissioner in relation to examination or investigation by commissioner or commissioner’s representative of license holder, registrant, applicant or other person (in matter concerning loans and financed transactions, pawnshops, certain credit services organizations or debtor assistance) including: information obtained from license holder, registrant, applicant or other person examined or investigated (in matter described above); work performed by commissioner or commissioner’s representative on information obtained from license holder, registrant, applicant or other person examined or investigated; report on examination of license holder, registrant applicant or other person; and any written communications between license holder, registrant, applicant or other person, as applicable, and commissioner or commissioner’s representative relating to or referencing examination concerning above-described subject matter
Tex. Fin. Code § 31.105(d)	Report of examination of state bank (made by Banking Commissioner or by federal or other governmental agency, or jointly with other agency)
Tex. Fin. Code § 31.301(a)	Information directly or indirectly obtained by Texas Department of Banking in any manner, including application or examination, concerning financial condition or business affairs of financial institution or present, former or prospective shareholder, officer, director, affiliate or service provider of financial institution (other than information in published statement or in public portion of call report or profit and loss statement); all related files and records of department (NOTE: per § 31.304(a), confidential information as described above provided to financial institution by department remains confidential property of department and may not be made public or disclosed to person not officially connected with recipient)
Tex. Fin. Code § 32.004(c)	Business plan of applicant for state bank charter and financial statement of proposed officer or director
Tex. Fin. Code § 33.002(c)	Information obtained by Banking Commissioner of

	Texas concerning acquisition of control of state bank (as specified in adopted rules; <i>see</i> 7 Tex. Admin. Code § 15.81(e))
Tex. Fin. Code § 35.012	Copy of notice, correspondence, transcript, pleading or other document in records of Department of Banking relating to enforcement order regarding bank (Banking Commissioner periodically shall publish all final removal and prohibition orders)
Tex. Fin. Code § 35.105	Order issued in proceeding concerning bank supervision or conservatorship and copy of notice, correspondence, transcript, pleading or other document in records of Department of Banking relating to order (Banking Commissioner may release to public order or information regarding existence of order if commissioner concludes that release would enhance effective enforcement of order)
Tex. Fin. Code § 36.224(d)	Records of liquidated bank (subject to provisions of subchapter D, chapter 31, § 59.006 and rules adopted by Department of Banking)
Tex. Fin. Code § 59.009(b)	Compliance review document (concerning financial institution's or affiliate's compliance review committee to test, review or evaluation financial institution's conduct, transactions or potential transactions for purpose of monitoring or enforcing compliance with laws, required reporting, internal policies and procedures and safe, sound and fair lending practices), including compliance review document, action taken or discussion conducted by or for compliance review committee disclosed to governmental agency
Tex. Fin. Code § 62.001(c)	Financial information about each applicant, incorporator, director or shareholder required by Finance Commission in sworn application to incorporate savings and loan association (unless Savings and Mortgage Lending Commissioner finds public disclosure is necessary)
Tex. Fin. Code § 62.052(d)(2)	Application to incorporate savings and loan association for purpose of reorganization or merger and all information relating to application if Savings and Mortgage Lending Commissioner considers association to be reorganized or merged to be in unsafe condition
Tex. Fin. Code § 62.353(e)(2)	Application for merger of savings and loan association designated by Savings and Mortgage Lending Commissioner as supervisory merger under rules adopted by Finance Commission
Tex. Fin. Code § 62.403(2)	Application, and all information related to application, to merge or consolidate domestic

	savings and loan association with foreign association if Savings and Mortgage Lending Commissioner considers domestic association to be in unsafe condition
Tex. Fin. Code § 62.559(a)	Information obtained by Savings and Mortgage Lending Commissioner in considering for approval application to change control of savings and loan association
Tex. Fin. Code § 66.111(a)	Information contained in temporary or final supervisory order, issued by Savings and Mortgage Lending Commissioner concerning savings and loan association, or other record relating to order
Tex. Fin. Code § 89.052(b), (c)	Report of examination made to Savings and Mortgage Lending Commissioner; information discussed by commissioner in closed meeting with Finance Commission about subject of supervisory order
Tex. Fin. Code § 92.051(c)	Financial information about each applicant, incorporator, director, officer or shareholder required by rule of Finance Commission relating to application to incorporate savings bank (unless Savings and Mortgage Lending Commissioner finds that disclosure is necessary and in public interest)
Tex. Fin. Code § 92.102(e)	Application and all information relating to application to incorporate savings bank if Savings and Mortgage Lending Commissioner considers financial institution to be reorganized or merged to be in unsafe condition
Tex. Fin. Code § 92.352(e)(2)	Application, and all information relating to application, for merger of savings bank if Savings and Mortgage Lending Commissioner designates merger as supervisory merger under rules adopted by Finance Commission
Tex. Fin. Code § 92.403(2)	Application, and all information related to application, for merger or consolidation of foreign and domestic savings banks if Savings and Mortgage Lending Commissioner considers domestic savings bank to be in unsafe condition
Tex. Fin. Code § 92.555(a)	Information obtained by Savings and Mortgage Lending Commissioner in considering application to change control of savings bank (NOTE: information that would have been contained in published notice of application in Texas Register that is waived by commissioner becomes public information on 34 <sup>th</sup> day after application is filed; commissioner may disclose identity of actual or beneficial owner of incorporated savings bank)
Tex. Fin. Code § 92.601(c)	Financial information about each applicant,

	organizer, manager, officer or member of savings bank as required by Finance Commission rule contained in application to organize savings bank as limited savings bank (unless Savings and Mortgage Lending Commissioner finds that disclosure is necessary and in public interest)
Tex. Fin. Code § 96.111(a), (b)	Information discussed in closed meeting between Savings and Mortgage Lending Commissioner and Finance Commission concerning savings bank or person in connection with issuance of supervisory order; information contained in temporary or final supervisory order or notice, correspondence or other record relating to order
Tex. Fin. Code § 96.351	Information, regardless of circumstances under which information is obtained, regarding financial institution or shareholder, participant, officer, director, manager, affiliate or service provider of financial institution (other than information in public statement or public portion of call report or profit and loss statement), and all related files and records of Department of Savings and Mortgage Lending (NOTE: Under § 96.353(a), confidential information provided to financial institution or affiliate or service provider remains confidential property of department)
Tex. Fin. Code § 96.356	Report of examination made to Savings and Mortgage Lending Commissioner (unless commissioner determines good reason exists to make report public)
Tex. Fin. Code § 122.261(a)	Determination letter, cease and desist order, removal order and each copy of notice or correspondence and all other documents or records relating to order or determination letter issued (concerning credit unions and enforcement actions by Credit Union Commissioner)
Tex. Fin. Code § 126.002(a)	Information obtained directly or indirectly by Credit Union Department in any manner, including by application or examination, concerning financial condition or business affairs of credit union and files, records of department relating to that information
Tex. Fin. Code § 126.054(c)	Report of examination of credit union (including general statement of credit union's affairs)
Tex. Fin. Code § 126.108	Conservatorship order (with respect to credit union) issued by Credit Union Commissioner and copy of notice, correspondence, transcript, pleading or other document relating to order
Tex. Fin. Code § 151.601(e)	Information disclosed to Banking Commissioner in connection with examination (of license holder or

	authorized delegate of license holder concerning money services businesses)
Tex. Fin. Code § 151.606(a)	All financial information and all other personal information obtained by Banking Commissioner, concerning money services, through application, examination, investigation or otherwise, and any related file or record of Texas Department of Banking
Tex. Fin. Code § 154.055(a), (b)	Information relating to financial condition of seller (of prepaid funeral services) obtained by Texas Department of Banking, directly or indirectly, through examination or otherwise (other than published statements); files and records of department relating to financial condition of seller
Tex. Fin. Code § 156.213(b)	Information contained in mortgage call report related to residential mortgage loan origination volume or other trade information, including information used to determine statistical entries in report related to loan origination volume (filed by residential mortgage loan company or licensed residential mortgage loan originator with Savings and Mortgage Lending Commissioner or commissioner's authorized designee)
Tex. Fin. Code § 156.301(f)	Information obtained by Savings and Mortgage Lending Commissioner during inspection or investigation (of residential mortgage loan company or licensed residential mortgage loan originator)
Tex. Fin. Code § 157.020(b)	Information contained in mortgage call report related to residential mortgage loan origination volume or other trade information (filed by mortgage banker with Savings and Mortgage Lending Commissioner or commissioner's authorized designee)
Tex. Fin. Code § 157.021(g)	Information obtained by Savings and Mortgage Lending Commissioner during inspection or investigation (of mortgage banker licensed as residential mortgage loan originator)
Tex. Fin. Code § 158.102(c)	Information obtained by Savings and Mortgage Lending Commissioner during investigation (of written complaint concerning registrant with Department of Savings and Mortgage Lending) (may share information gathered in investigation with state or federal agency)
Tex. Fin. Code § 181.104(d)	Report of examination by Banking Commissioner of state trust company
Tex. Fin. Code § 181.301(a)	Information directly or indirectly obtained by Department of Banking in any manner, including through application or examination, concerning financial condition or business affairs of state trust

	company or present, former or prospective shareholder, participant, officer, director, manager, affiliate or service provider of state trust company (other than public portions of report of condition or income statement); each related file or record of department
Tex. Fin. Code § 182.004(c)	Business plan of applicant for state trust company charter and financial statement of proposed officer, director, manager or managing participant
Tex. Fin. Code § 183.002(c)	Information obtained by Banking Commissioner of Texas concerning acquisition of control of state trust company (as specified in adopted rules; <i>see</i> 7 Tex. Admin. Code § 21.51(d))
Tex. Fin. Code § 183.202(b)	Provisions of participation agreement (other than those by which participant of limited trust association agrees to become full liability participant)
Tex. Fin. Code § 185.012	Copy of notice, correspondence, transcript, pleading or other document in records of Department of Banking relating to enforcement action concerning state trust company
Tex. Fin. Code § 185.105	Order (of supervision or conservatorship) concerning state trust company and copy of notice, correspondence, transcript, pleading or other document in records of Department of Banking (Banking Commissioner may release to public order or information relating to order if commissioner concludes release would enhance effective enforcement of order)
Tex. Fin. Code § 186.224(d)	Records of liquidated state trust company (subject to provisions of § 59.006, subchapter D, chapter 181 and rules adopted by Department of Banking)
Tex. Fin. Code § 187.304	Information obtained directly or indirectly by Banking Commissioner of Texas relating to financial condition or business affairs of trust institution (other than public portions of report of condition or income statement) or present, former or prospective shareholder, participant, officer, director, manager, affiliate or service provider of trust institution and each related file or record of Texas Department of Banking
Tex. Fin. Code § 204.102(c)	Information relating to financial condition and business affairs of foreign bank and financial information relating to its management and shareholders (except for previously published statements and information) (concerning direct branch and agency offices of foreign banks)
Tex. Fin. Code § 204.117(d)	Information relating to financial condition and business affairs of foreign bank (except previously published statements and information) (concerning

	revocation or suspension of foreign bank's license to maintain Texas state branch or agency)
Tex. Fin. Code § 204.205(d)	Information relating to financial condition and business affairs of foreign bank (except previously published statements and information) (concerning revocation of foreign bank's license to operate representative office in Texas)
Tex. Fin. Code § 342.552(d)	Information obtained by Consumer Credit Commissioner regarding examination of authorized lender (including lender's transactions, including loans, and records, including books, accounts, papers and correspondence to extent transactions and records pertain to lending business)
Tex. Fin. Code § 342.559(c)	Sworn report filed by authorized lender with Consumer Credit Commissioner containing relevant information required by commissioner concerning lender's business and operations during preceding calendar year for each office of lender in Texas where consumer lending business occurs
Tex. Fin. Code § 348.006(e-1)	All information provided by retail seller to Consumer Credit Commissioner (regarding maximum amount of documentary fee retail seller intends to charge), including maximum documentary fee retail seller intends to charge, written notice of increased documentary fee and any financial information submitted with notice; all correspondence between retail seller and commissioner or commissioner's representative relating to notice of increased documentary fee and review for reasonableness of amount of documentary fee to be charged
Tex. Fin. Code § 348.514(d)	All information relating to examination or investigation process (concerning retail installment transaction license holders), including: information obtained about license holder; examination report; instructions and attachments; and correspondence between license holder and Consumer Credit Commissioner or commissioner's representative relating to examination or investigation of license holder
Tex. Fin. Code § 351.008(d)	Information obtained by Consumer Credit Commissioner through examination or investigation of property tax lender's transactions, including loans, and records, including books, accounts, papers and correspondence to extent transactions and records pertain to property tax lending
Tex. Fin. Code § 351.164(c)	Sworn report of property tax lending license holder filed with Consumer Credit Commissioner containing relevant information concerning

	lender's property tax lending transactions
Tex. Fin. Code § 371.206	Information obtained during examination or inspection of pawnshop by Consumer Credit Commissioner (may be used for commissioner or in criminal investigation or prosecution)
Tex. Fin. Code § 393.622(b)	Contract between credit access business and third-party lender organization with which credit access business contracts to provide deferred presentment transaction or motor vehicle title loan services or arrangements of extensions of consumer credit, as well as related information, obtained by Consumer Credit Commissioner (considered proprietary and confidential to respective parties to contract)
<b>GOVERNMENT CODE</b>	
Tex. Gov't Code § 33.032(a)	Papers filed with and proceedings before Commission on Judicial Conduct, prior to filing of formal charges
Tex. Gov't Code § 33.0321	On request of complainant, complainant's identity (concerning proceedings before Commission on Judicial Conduct)
Tex. Gov't Code § 62.0132(f)	Information contained in completed jury summons questionnaire
Tex. Gov't Code § 76.006(g)	Document evaluating performance of officer of Community Supervision and Corrections Department who supervises defendants placed on community supervision
Tex. Gov't Code § 81.072(e-1)	All types of information, proceedings, hearing transcripts and statements presented during State Bar's voluntary mediation and dispute resolution procedure (concerning allegation of attorney misconduct)
Tex. Gov't Code § 81.0752(a)	All types of information, proceedings, hearing transcripts and statements presented to panel of district grievance committee (unless disclosure is ordered by court or panel finds that professional misconduct occurred and sanction other than private reprimand is imposed against respondent attorney)
Tex. Gov't Code § 82.003(c), (e)	Records relating to Board of Law Examiners deliberations, hearings and determinations relating to moral character and fitness of applicant; records relating to board deliberations, hearings and determinations relating to request by applicant who has disability for testing accommodations on bar examination
Tex. Gov't Code § 82.029(d)	Information provided by Board of Law Examiners to law school concerning results of bar examination and achievement of particular applicants on examination, including examination results disaggregated by section or portion of examination



	and any relevant statistics related to results of examination
Tex. Gov't Code § 82.038(i)	Any information that forms basis for issuance of probationary license (issued to applicant who passes bar examination but suffers from chemical dependency or has been convicted of or is on community supervision for first offense DWI or intoxication assault) (NOTE: on request, board in coordination with State Bar shall inform member of public whether particular person holds probationary license)
Tex. Gov't Code § 301.020(e)	Information held by General Investigating Committee of Legislature that, if held by law enforcement agency or prosecutor, would be excepted from disclosure under § 552.108
Tex. Gov't Code § 306.003(a)	Records of a member of the legislature or the lieutenant governor composed exclusively of memoranda of communications with residents of Texas and of personal information concerning the person communicating with the legislator
Tex. Gov't Code § 321.0138(d)	Review by State Auditor of Comptroller's records of all tax refunds, credits, payments, warrants, offsets, checks and settlements (expressly included in "audit" for purposes of Gov't Code § 552.116)
Tex. Gov't Code § 323.017	Communications (verbal, written or electronic) between member of legislature or lieutenant governor and assistant or employee of Texas Legislative Council relating to request by official for information, advice or opinions from assistant or employee of Council; information, advice and opinions given privately by assistant or employee of council to member of legislature or lieutenant governor, acting in legislator's official capacity
Tex. Gov't Code § 323.020(c)	Information acquired or produced by Texas Legislative Council in relation to statistical or demographic analysis (except information related to redistricting process), including information that identifies or tends to identify individual or other entity that submitted information or was asked to submit information for analysis, working drafts and working papers developed in performing analysis, contracts and subcontracts entered into for purposes of performing analysis, internal and interagency correspondence sent or received in course of performing analysis, memoranda of understanding entered into in relation to performing analysis and data, data files, databases, computer coding, computer specification programs, data use agreements and data dictionaries acquired or used in performing analysis

Tex. Gov't Code § 402.0231(c)	Information disclosed to Corporate Integrity Unit within Office of Attorney General by state agency or local law enforcement agency upon unit's request
Tex. Gov't Code § 403.304(a-1)	All information obtained by Comptroller from person, other than government or governmental subdivision or agency, during conduct of school district property value survey under assurance information will be kept confidential
Tex. Gov't Code § 403.454	Information collected by agency (or entity on agency's behalf) from private landowner or other participant/potential participant in habitat conservation plan, proposed habitat conservation plan, candidate conservation plan or proposed candidate conservation plan if information relates to specific location, species identification or quantity of animal or plant life to which plan relates
Tex. Gov't Code § 411.052(d)	Federal prohibited person information (identifying individual as person ordered by court to receive inpatient mental health services under chapter 574, Health & Safety Code, person acquitted in criminal case by reason of insanity or lack of mental responsibility, person determined to have mental retardation and committed by court for long-term placement in residential care facility under chapter 593, Health & Safety Code, incapacitated adult individual for whom court has appointed guardian of individual under chapter XIII, Probate Code or person determined incompetent to stand trial under chapter 46B, Code of Criminal Procedure) held by Department of Public Safety for purposes of federal firearm reporting
Tex. Gov't Code § 411.0603(a)	Information maintained by Department of Public Safety in central index (of certain additional offenses suspected to have been committed by criminal defendants) (may be disseminated to criminal justice agency)
Tex. Gov't Code § 411.083(a)	Criminal history record information maintained by Department of Public Safety (subject to express exceptions in chapter 411, subchapter F); <i>see also</i> Tex. Gov't Code §§ 411.084-.085 (NOTE: authorizations to disseminate criminal history record information under subchapter F generally provide that such information received by authorized entity is confidential)
Tex. Gov't Code § 411.085(d)	Information collected in Department of Public Safety's electronic clearinghouse and subscription service (TLETS)
Tex. Gov't Code § 411.0111(b)	Information provided by Department of Public

	Safety to Comptroller for purpose of assisting comptroller in identification of persons entitled to unclaimed property reported to Comptroller (name, address, social security number, date of birth and driver's license or state identification number of each person about whom department has such information in its records)
Tex. Gov't Code § 411.153(a)	DNA record stored in Department of Public Safety's DNA database
Tex. Gov't Code § 411.192(a)	Records maintained by Department of Public Safety concerning licenses to carry concealed handguns (DPS may disclose certain information to criminal justice agencies; applicant's or license holder's own records; listing of certified or qualified handgun instructors)
Tex. Gov't Code § 414.007	Records of Texas Crime Stoppers Council relating to reports of criminal acts
Tex. Gov't Code § 418.175	Information relating to disabled individuals or individuals with special needs maintained for purposes of emergency management or disaster planning
Tex. Gov't Code § 418.176	Information collected, assembled or maintained by governmental entity for purpose of preventing, detecting, responding to or investigating act of terrorism or related criminal activity if it (1) relates to staffing requirements of emergency response provider; (2) relates to tactical plan of provider; or (3) consists of list or compilation of pager or telephone numbers (including cell phones) of provider
Tex. Gov't Code § 418.177	Information collected, assembled or maintained by governmental entity for purpose of preventing, detecting or investigating act of terrorism or related criminal activity relating to assessment of risk or vulnerability of persons or property (including critical infrastructure) to act of terrorism or related criminal activity
Tex. Gov't Code § 418.178	Information collected, assembled or maintained by governmental entity (1) more than likely to assist in construction or assembly of explosive weapon or chemical, biological, radiological or nuclear weapon of mass destruction; or (2) indicates specific location of chemical, biological agent, toxin, or radioactive material that is more than likely to be used in construction of such weapon or unpublished information relating to potential vaccine or to device that detects biological agents or toxins
Tex. Gov't Code § 418.179(a)	Information collected, assembled or maintained by governmental entity for purpose of preventing,

	detecting or investigating act of terrorism or related criminal activity relating to details of encryption or security keys for public communications system
Tex. Gov't Code § 418.180	Information, other than financial information, in possession of governmental entity if (1) part of report to agency of United States; (2) relating to act of terrorism or related criminal activity and specifically required to be kept confidential because of federal statute or regulation, participation in state-federal information sharing agreement or obtaining federal funding
Tex. Gov't Code § 418.181	Documents or portions of documents in possession of governmental entity identifying technical details of particular vulnerabilities of critical infrastructure to act of terrorism
Tex. Gov't Code § 418.182(a)	Information, including access codes and passwords, in possession of governmental entity that relates to specifications, operating procedures or location of security system used to protect public or private property from act of terrorism or related criminal activity (NOTE: financial information in possession of governmental entity relating to expenditure of funds by entity for security system is public; location of security camera in private office at state agency is subject to PIA unless camera is located in individual personal residence for which state provides security or camera is in use for surveillance in active criminal investigation)
Tex. Gov't Code § 419.0325(d)	Criminal history record information received by Commission on Fire Protection
Tex. Gov't Code § 419.048(b)	Personally identifiable information received by Commission on Fire Protection, including information from Texas Fire Incident Reporting System and workers' compensation data showing claims filed by fire protection personnel
Tex. Gov't Code § 420.071	Communication between advocate and survivor (or person claiming to be survivor) made in course of providing sexual assault advocacy services to survivor; record or identity, personal history, background information of survivor or information concerning victimization of survivor created by or provided to advocate or maintained by sexual assault program (local public or private non-profit independent of law enforcement, prosecutor)
Tex. Gov't Code § 422.004	Any information, records or data reported or obtained under administrative subpoena issued by prosecuting attorney or officer of Internet Crimes Against Children task force relating to investigation of Internet-based sexual exploitation of minor

Tex. Gov't Code § 432.076(a)	Written ballot of member of general or special court-martial on findings or sentence, and by members of court-martial without military judge upon questions of challenge (expressly made "secret")
Tex. Gov't Code § 466.022(b)	Security plans and procedures of Texas Lottery Commission designed to ensure integrity and security of lottery operation; information designed to ensure integrity and security of selection of winning tickets or numbers in lottery; street address and telephone number of prize winner who as not consented to release of such information
Tex. Gov't Code § 466.023(a)	Generally, all files, records, information, compilations, documents, photographs, reports, summaries and review of information and related matters collected, retained, or compiled by Department of Public Safety concerning State Lottery (subject to discovery by person that is subject of item)
Tex. Gov't Code § 466.205(a)	Information received by executive director of Texas Lottery Commission from Internal Revenue Service
Tex. Gov't Code § 481.047	Information collected by Texas Economic Development and Tourism Office concerning identity, background, finance, marketing plans, trade secrets or other commercially sensitive information of lender or export business (unless lender or export business consents to disclosure)
Tex. Gov't Code § 489.215	Information collected, assembled or maintained by or for Texas Economic Development Bank provided by applicant for financing that is proprietary information of actual or potential commercial value to applicant and has not been disclosed to public
Tex. Gov't Code § 490.0521(b)	All information obtained and maintained in connection with verified financial statement filed by Texas Emerging Technology Advisory Committee, including information derived from those financial statements
Tex. Gov't Code § 490.057(a)	Information collected by Governor's Office, Texas Emerging Technology Advisory Committee or the committee's advisory panels concerning identity, background, finance, marketing plans, trade secrets or other commercially or academically sensitive information of individual or entity being considered for, receiving or having received award from Texas Emerging Technology Fund (unless individual or entity consents to disclosure)
Tex. Gov't Code § 501.008(c)	Report, investigation or supporting document prepared by Department of Criminal Justice in

	response to inmate grievance (such information is considered to have been prepared in anticipation of litigation)
Tex. Gov't Code § 501.061(e)	Name of inmate who requests orchiectomy (Department of Criminal Justice may use inmate's name only for purposes of notify and providing information to inmate's spouse if inmate is married)
Tex. Gov't Code § 501.174(2)	Letter from inmate to ombudsperson regarding sexual assault
Tex. Gov't Code § 508.313	Information including victim protest letter or other correspondence, victim impact statement, list of inmates eligible for release on parole, arrest record of inmate if related to inmate of TDCJ-CID subject to release on parole, mandatory supervision or executive clemency, release or person directly identified in proposed plan of release
Tex. Gov't Code § 531.02413(e)	Information obtained by Health and Human Services Commission or contractor for purposes of acute care Medicaid billing coordination system for fee-for-service and primary care case management delivery models that will, upon entry in claims system, identify within 24 hours whether another entity has primary responsibility for paying claim and submit claim to entity system determines is primary payor
Tex. Gov't Code § 531.0319(e) (expires 9/1/13)	Information collected by Health and Human Services Commission during pilot program to provide diabetes self-management training to selected Medicaid recipients (any authorized disclosure must prevent disclosure of individually identifiable information)
Tex. Gov't Code § 531.071(a)	Information obtained or maintained by Health and Human Services Commission regarding prescription drug rebate negotiations or supplemental medical assistance or other rebate agreement, including trade secrets, rebate amount, rebate percentage and manufacturer or labeler pricing
Tex. Gov't Code § 531.102(k)	All information and materials compiled during audit or investigation by Office of Inspector General of Health and Human Services Commission (final report of audit or investigation is subject to required disclosure under PIA)
Tex. Gov't Code § 531.1021(g)	All information and materials subpoenaed or compiled by Office of Inspector General of Health and Human Services Commission in connection with audit or investigation or by Office of Attorney General in connection with Medicaid fraud investigation (may be disclosed to State Auditor's

	Office, law enforcement agencies and other entities as permitted by other law)
Tex. Gov't Code § 531.854(b), (c), (d)	Information and records acquired by patient safety organization in exercise of its duties to conduct mortality review of certain individuals with developmental disabilities; identity of person whose death was reviewed; identity of health care provider or name of facility or agency that provided services to or was residence of person whose death was reviewed (reports, information, statements, memoranda and other information furnished in review process and any findings or conclusions resulting from review by patient safety organization are "privileged")
Tex. Gov't Code § 533.012(e)	Information submitted to Health and Human Services Commission or Office of Attorney General by managed care organization contracting with commission regarding description of any financial or other business relationship between organization and any subcontractor providing health care services under contract
Tex. Gov't Code § 536.151(c)	Report provided by Health and Human Services Commission to hospital that participates in child health plan or Medicaid program regarding hospital's performance with respect to potentially preventable readmissions and potentially preventable complications
Tex. Gov't Code §§ 560.002, .003*	Biometric information (retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry) *expressly exempted from disclosure under PIA, but required to be handled in manner "the same as or more protective than ... other confidential information"
Tex. Gov't Code § 571.069(c)	Any audited statement, report, document or other material in matter before Ethics Commission (unless material was previously public information or is entered into record of formal hearing or judicial proceeding) (NOTE: party who is subject of audit may waive confidentiality by sending written notice to commission)
Tex. Gov't Code § 571.140(a)	Proceedings at preliminary review hearing performed by Texas Ethics Commission, sworn complaint, document and any additional evidence relating to processing, preliminary review hearing or resolution of sworn complaint or motion (unless entered into record of formal hearing or judicial proceeding; previously public information remains public information)
Tex. Gov't Code § 615.045(a)	Records in custody of Employees Retirement

	System of Texas, administering firm, carrier or other governmental agency acting with or on behalf of retirement system relating to eligible survivors of (generally) peace officer, probation officer, jailer or custodial employee of state's prison system or juvenile correctional system, fire fighter or emergency medical services employee employed by political subdivision of state (entity is not required to comply with request for that information or seek opinion from attorney general); <i>see also</i> Tex. Gov't Code § 552.0038(c)
Tex. Gov't Code § 651.007(g)	Responses to exit interview questionnaire (for employee who leaves employment with state agency) (may be disclosed only to law enforcement agency in criminal investigation or on order of court)
Tex. Gov't Code § 659.135(a) (expires 9/1/13)	Whether state employee has authorized deduction from compensation for contribution to charity; amount of deduction; name of federation or fund or local charitable organization that state employee has designated to receive contributions
Tex. Gov't Code § 660.2035(a)	Voucher or other expense reimbursement form and any receipt or other document supporting voucher or other expense reimbursement form (for period of 18 months following date of travel) if voucher or other expense reimbursement form is submitted or is to be submitted by peace officer while assigned to provide protection for elected official of state or member of elected official's family
Tex. Gov't Code § 803.402	Records of members and beneficiaries of retirement system* that are in custody of any such retirement system (*system for general municipal employees in municipality of population of 750,000-850,000, Employees Retirement System of Texas, Teacher Retirement System of Texas, Judicial Retirement System of Texas Plan One, Judicial Retirement System of Texas Plan Two, Texas County and District Retirement System, Texas Municipal Retirement System and municipal retirement system that elects to participate in Proportionate Retirement Program)
Tex. Gov't Code § 811.012(b)	Information provided by Employees Retirement System of Texas to Comptroller, for purpose of assisting Comptroller in identification of persons entitled to unclaimed property reported to Comptroller (specifically, name, address, social security number and date of birth of each member, retiree and beneficiary from retirement system's records)



Tex. Gov't Code § 815.503(a)	Records of members, annuitants, retirees, beneficiaries and alternate payees under retirement plans administered by Employees Retirement System of Texas that are in custody of system or administering firm, carrier or other governmental agency acting in cooperation with or on behalf of retirement system (entity is not required to comply with request for that information or seek opinion from attorney general); <i>see also</i> Tex. Gov't Code § 552.0038(c)
Tex. Gov't Code § 821.010(b)	Information provided by Teacher Retirement System of Texas to Comptroller for purpose of assisting Comptroller in identification of persons entitled to unclaimed property reported to Comptroller (specifically, name, address, social security number and date of birth of each member, retiree and beneficiary from retirement system's records)
Tex. Gov't Code § 825.507(a)	Records of participant that are in custody of Teacher Retirement System of Texas or of administrator, carrier, attorney, consultant or governmental agency acting in cooperation with or on behalf of retirement system (to extent disclosure would identify an individual) (entity is not required to comply with request for that information or seek opinion from attorney general); <i>see also</i> Tex. Gov't Code § 552.0038(c)
Tex. Gov't Code § 825.515(b)	Information contained in records of Teacher Retirement System of Texas identifying members and types of positions they hold as members (Administrative/Professional, Teacher/Full-Time Librarian, Support, Bus Driver or Peace Officer)
Tex. Gov't Code § 840.402	Records of members, annuitants, retirees, beneficiaries and alternate payees of Judicial Retirement System of Texas
Tex. Gov't Code § 845.107(d)	Audit working papers prepared, maintained or assembled by Texas County and District Retirement System or agent of system (audit report, when accepted by board of trustees in final form, is public information)
Tex. Gov't Code § 845.115(a)	Information contained in records in custody of Texas County and District Retirement System or another governmental entity or administrator or carrier acting in cooperation with or on behalf of retirement system (entity is not required to seek opinion from attorney general or comply with request for record or information about record of participant); <i>see also</i> Tex. Gov't Code § 552.0038(c)
Tex. Gov't Code § 855.115(a)	Information contained in records in custody of

	Texas Municipal Retirement System concerning individual member, retiree, annuitant or beneficiary (if information is in form identifiable with specific individual)
Tex. Gov't Code § 855.401(c)(1)	Ballot in election on proposal to reduce rate of member contributions to Texas Municipal Retirement System (expressly made "secret")
Tex. Gov't Code § 865.019(a)	Information contained in records in custody of Texas Emergency Services Retirement System concerning individual member, annuitant or beneficiary (if information is in form identifiable with specific individual)
Tex. Gov't Code § 2003.104	Information held by State Office of Administrative Hearings that identifies taxpayer who participates in tax case, including taxpayer's name and social security number; hearing on tax case
Tex. Gov't Code § 2008.057(c)	Private communication and record of private communication between facilitator and member or members of committee in negotiated rulemaking (unless member or members of committee consent to disclosure); notes of facilitator to extent notes consist of record of communication with member of committee (except to extent member has consented to disclosure)
Tex. Gov't Code § 2009.054(b)	Communication relevant to dispute, and record of communication, made between impartial third party and parties to dispute during course of alternative dispute resolution procedure involving governmental body (unless all parties consent to disclosure); notes of impartial third party (unless all parties consent to disclosure)
Tex. Gov't Code § 2054.077(c) (expires 9/1/13)	Vulnerability report (assessing extent to which computer, computer program, computer network, computer system, interface to computer system, computer software or data processing of state agency or contractor of agency is vulnerable to unauthorized access or harm) and any information or communication prepared or maintained for use in preparation of vulnerability report
Tex. Gov't Code § 2059.055(b)	Network security information if information is: related to passwords, personal identification numbers, access codes, encryption or other components of security system of state agency; collected, assembled or maintained by or for governmental entity to prevent, detect or investigate criminal activity; or related to assessment, made by or for governmental entity or maintained by governmental entity, of vulnerability of computer network to criminal activity
Tex. Gov't Code § 2252.094	Trust agreement submitted to governing body of

	governmental entity for purposes of purchase or sale of real property between governmental entity and trust
Tex. Gov't Code § 2267.364(a), (d)	Unless stipend is paid for preliminary engineering costs associated with development of proposal, work product contained in unsuccessful proposal for public work contract (governmental entity or its agents may not make use of any unique or nonordinary design element, technique, method or process contained in unsuccessful proposal that was not also contained in successful proposal at time of submittal, absent license from unsuccessful offeror) (NOTE: violation voids contract for project entered into by governmental entity, imposes liability to unsuccessful offeror or member of design-build team or its assignee for one-half of cost savings associated with unauthorized use of work product, injunctive and declaratory relief plus attorney's fees)
Tex. Gov't Code § 2306.6717(d)	Financial statements of any applicant for low income housing tax credit (at discretion of Department of Housing and Community Affairs)
<b>HEALTH &amp; SAFETY CODE</b>	
Tex. Health & Safety Code § 12.097(a)	All records, reports and testimony before Medical Advisory Board relating to medical condition of applicant or license holder (concerning ability of applicant or license holder to operate motor vehicle safely or exercise sound judgment with respect to proper use and storage of handgun) (may be used only by board, panel or Department of Public Safety)
Tex. Health & Safety Code § 33.018(a-1)	Reports, records and information obtained or developed by Department of Health concerning certain heritable diseases
Tex. Health & Safety Code § 47.008(b)	Data obtained through information management, reporting and tracking system (concerning hearing loss in newborns) (NOTE: statistical or aggregated information that could not be used to individually identify newborn, infant or patient or parent or guardian is not confidential)
Tex. Health & Safety Code § 81.046(a), (b)	Reports, records and information received from any source, including from federal agency or another state, furnished to public health district, health authority, local health department or Texas Department of Health that relate to cases or suspected cases of diseases or health conditions
Tex. Health & Safety Code § 81.051(c)	Name of partner of person with HIV infection if infected person voluntarily discloses partner's name in connection Department of Health's partner notification and referral services (may be used only

	for field investigation and notification)
Tex. Health & Safety Code § 81.103(a)	Test result (statement indicating identifiable individual has or has not been tested, including statement or assertion that individual is positive, negative, at risk or does not have certain level of antigen or antibody) concerning whether person has AIDS, HIV infection, antibodies to HIV or infection with any other probable causative agent of AIDS ( <i>see</i> § 81.102(a))
Tex. Health & Safety Code § 81.203	Records of health care facility that directly or indirectly identify present, former or proposed patient (concerning court-ordered treatment of persons with communicable diseases)
Tex. Health & Safety Code § 81.306(c)	All information and materials obtained or compiled by Department of Health in connection with report of exposure incident involving sharps injury suffered by employee of governmental unit
Tex. Health & Safety Code § 82.009(a)	Reports, records and information obtained (by Texas Board of Health regarding cancer)
Tex. Health & Safety Code § 84.006(a)	All information and records relating to reportable conditions (concerning occupational conditions: “disease, abnormal health condition or laboratory finding” caused by or related to exposures in workplace)
Tex. Health & Safety Code § 85.204(b)(3)	All proceedings and communications of expert review panel (responsible for determining whether health care worker who is infected with HIV or hepatitis B virus and is HBeAg positive may perform exposure-prone procedure)
Tex. Health & Safety Code § 85.260(a)	Any statement that identifiable individual has nor has not been tested with home collection kit for HIV infection testing, including statement or assertion that individual is positive, negative, at risk or has or does not have certain level of antigen or antibody
Tex. Health & Safety Code § 87.002(a)	Reports, records and information furnished to Department of Health employee or authorized agent of department that relate to cases or suspected cases of health condition (concerning birth defects)
Tex. Health & Safety Code § 88.002(a)	Reports, records and information furnished to health authority, regional director or Department of Health that relate to cases or suspected cases of children with blood levels of concern or lead poisoning
Tex. Health & Safety Code § 92.006(a)	All information and records relating to injuries (spinal cord injuries, traumatic brain injuries and submersion injuries) reportable to Department of Health
Tex. Health & Safety Code § 93.054(b)	Information in possession of Council on

	Cardiovascular Disease and Stroke that identifies patient or is otherwise confidential under other law
Tex. Health & Safety Code § 96.002(a)	Reports, records and information furnished to Department of Health employee or authorized agent of department that relate to cases or suspected cases of health condition (concerning respiratory syncytial virus [“RSV”])
Tex. Health & Safety Code § 98.109(a)	All information and materials obtained, compiled or reported by Department of Health or compiled or reported by health care facility (concerning health care-associated infection and preventable adverse events)
Tex. Health & Safety Code § 102.262(b)	Information submitted to Cancer Prevention and Research Institute of Texas by applicant for or recipient of institute grant, consisting of all information contained in grant award contract between institute and grant recipient relating to product, device or process, application or use of such product, device or process and all technological and scientific information, including computer programs, developed in whole or in part by applicant for or recipient of institute grant that has potential for being sold, traded or licensed for fee and plans, specifications, blueprints and designs, including related proprietary information of scientific research and development facility
Tex. Health & Safety Code § 104.042(e)	Data received by Department of Health (from health care facilities to facilitate and expedite proper and effective health planning and resource development) containing information identifying specific patients
Tex. Health & Safety Code § 105.003(e)	Data received by nursing resource section of Statewide Health Coordinating Council that contains information identifying specific patients or health care facilities (may not be released unless all identifying information is removed)
Tex. Health & Safety Code § 105.008(i)	Any data collected as part of nursing education outcome study by nursing resource section of Statewide Health Coordinating Council that contains information identifying specific students, patients or health care facilities (may not be released unless all identifying information is removed)
Tex. Health & Safety Code § 108.013(b), (c)	Basis for assignment by executive commissioner of Health and Human Services Commission of characters as uniform patient identifiers and manner in which characters are assigned; data obtained by Department of State Health Services that could reasonably be expected to reveal identity of patient or physician, disclose provider discounts

	or differentials between payments and billed charges, relate to actual payments to identified provider made by payer, submitted to department in uniform submission format not included in public use data
Tex. Health & Safety Code § 142.004(d)	Information received by Department of Aging and Disability Services relating to competence and financial resources of applicant or controlling person with respect to applicant (for license to provide home health, hospice or personal assistance services)
Tex. Health & Safety Code § 142.009(d)	Reports, records and working papers used or developed in investigation (by Department of Aging and Disability Services concerning complaint received regarding provision of home health, hospice or personal assistance services, including any allegation of abuse, neglect or exploitation of a child under age of 18)
Tex. Health & Safety Code § 161.007(j)	Information obtained by Department of Health for immunization registry (except as provided by §§ 161.00705, 161.00706, 161.00735(b) and 161.008)
Tex. Health & Safety Code § 161.0073(a)	Information that individually identifies individual that is received by Department of Health for immunization registry (except as provided by §§ 161.00705 and 161.00735)
Tex. Health & Safety Code § 161.0135(c)	Report, information or record received by hospital district from contracting health care facility's medical peer review committee or medical committee related to review action conducted under terms of contract
Tex. Health & Safety Code § 161.0213	Reports, records and information furnished to Commissioner of Public Health or commissioner's designee or Texas Commission on Environmental Quality relating to epidemiologic or toxicologic investigation of human illnesses or conditions, environmental exposures that are harmful or believed to be harmful to public health
Tex. Health & Safety Code § 161.022(b)	Identity of person whose condition or treatment has been studied (by Department of Health, medical organization, hospital, hospital committee or cancer registry to advance medical research or medical education in interest of reducing morbidity or mortality) (NOTE: Interviews, reports, statements, memoranda and other information, other than immunization information, and any findings or conclusions from study of that information are privileged)
Tex. Health & Safety Code § 161.032	Records and proceedings of medical committee
Tex. Health & Safety Code § 161.354(b)-(d)	Information in report from tobacco manufacturer if

	attorney general determined disclosure would constitute unconstitutional taking of property; information in report if Department of Health determines there is no reasonable scientific basis for concluded that availability of information could reduce risks to public health; information excepted under PIA as trade secret under state or federal law
Tex. Health & Safety Code § 162.003	Medical and donor records of blood bank
Tex. Health & Safety Code § 181.006	For covered entity that is governmental unit, individual's protected health information (as defined by Health Insurance Portability and Accountability Act and Privacy Standards), including any information that reflects an individual received health care from governmental unit
Tex. Health & Safety Code § 182.103(a)	Protected health information and individually identifiable health information collected, assembled or maintained by Texas Health Services Authority
Tex. Health & Safety Code § 191.002(b)	Information held by Department of Health under section of birth certificate entitled "For Medical and Health Use Only" (may be released for statistical purposes only so that no person, patient or facility is identified, or to medical personnel of health care entity or appropriate state or federal agencies for statistical research)
Tex. Health & Safety Code § 193.011(d), (e)*	Name of deceased individual within suicide data released by medical examiner, local registrar, local health authority, local mental health authority, community mental health center, mental health center that acts as collection agent for suicide data reported by community mental health centers or other political subdivision (*does not expressly label information "confidential"; entity described above may release suicide data "that does not name a deceased individual", is not civilly or criminally liable for receiving or providing suicide data "that does not name a deceased individual")
Tex. Health & Safety Code § 241.051(d)	All information and materials obtained or compiled by Department of Health in connection with complaint and investigation concerning hospital (NOTE: may be released to persons involved with department in enforcement action against hospital; hospital that is subject of enforcement action or hospital's authorized representative, appropriate state or federal regulatory agencies, law enforcement agencies and persons engaged in bona fide research if all individual-identifying and hospital-identifying information has been deleted)
Tex. Health & Safety Code § 242.032(f)	Information obtained by Department of Aging and

	Disability Services regarding financial condition of applicant or license holder (concerning operation of convalescent or nursing home)
Tex. Health & Safety Code § 242.043(e)(2)	Identity of resident photographed by Department of Aging and Disability Services (in convalescent or nursing home or related institution)
Tex. Health & Safety Code § 242.049(d)	Information and any reports received by Department of Aging and Disability Services for improvement of quality of care in nursing homes concerning any individual; information received by department, any information compiled as result of review of internal agency documents and any reports, compilations and analyses produced from these sources
Tex. Health & Safety Code § 242.074(e)	Information obtained by Department of Aging and Disability Services concerning significant change in nursing or convalescent care institution's financial position, cash flow or results of operation that could adversely affect institution's delivery of essential services, including nursing services, dietary services and utilities to residents of institution
Tex. Health & Safety Code § 242.403(b)	Information submitted to Department of Aging and Disability Services concerning quality of care at nursing facility that identifies resident of institution
Tex. Health & Safety Code § 242.501(a)(8)*	Information about resident of convalescent or nursing home or related institution in possession of institution *Identified as right of resident to be included in statement of rights of resident that must be adopted by Department of Aging and Disability Services
Tex. Health & Safety Code § 242.553	Name of person making complaint to Department of Aging and Disability Services requesting inspection of institution (unless person making complaint specifically requests that person's name be released)
Tex. Health & Safety Code § 245.011(d)	All information and records held by Department of Health concerning abortion facility
Tex. Health & Safety Code § 251.015(c)	Information concerning quality of care provided to or complied by Department of Health or medical review board and recommendation of medical review board (concerning end stage renal disease facility)
Tex. Health & Safety Code § 252.040(e)(2)	Identity of resident of intermediate care facility for individuals with mental retardation that is photographed by Department of Human Services (department "may not make public" identity of resident)
Tex. Health & Safety Code § 252.126(a)	Report, record or working paper used or developed in investigation by Department of Family and



	Protective Services concerning report of abuse, neglect or exploitation of resident of intermediate care facility for individuals with mental retardation (NOTE: copy of completed investigation report must be provided to Department of Aging and Disability Services; information related to investigation may be disclosed to latter department as necessary to protect resident of facility from abuse, neglect or exploitation)
Tex. Health & Safety Code § 252.134(d)	Records of reports and data of Department of Human Services concerning death of resident of intermediate care facility for individuals with mental retardation or related conditions
Tex. Health & Safety Code § 255.003(g)	Identity of resident or family member of resident of long-term care facility for the mentally retarded interviewed by quality-of-care monitor for Department of Aging and Disability Services
Tex. Health & Safety Code § 260A.008	Report, record or working paper used or developed in investigation of abuse, neglect or exploitation of resident of nursing or convalescent care facility or assisted living facility made by Department of Aging and Disability Services; name, address and phone number of any person making report of abuse, neglect or exploitation (information shall be disclosed to law enforcement agency as necessary to permit agency to investigate report of abuse, neglect or exploitation or other complaint)
Tex. Health & Safety Code § 260A.016(e)	Record of Department of Aging and Disability Services concerning death of resident of nursing or convalescent care facility (NOTE: department shall develop statistical information on official causes of death to determine patterns and trends of incidents of death among residents and in specific institutions, which is public information)
Tex. Health & Safety Code § 281.0517(f)	Pricing or financial planning relating to bid or negotiation for contract to provide service or product line (provided to integrated health care system) if disclosure would have detrimental effect on position of system in bid or negotiation process; proposed new service or product line if disclosure is requested before public announcement of service or product line
Tex. Health & Safety Code § 311.037(a)	Data reported to Department of Health by hospitals concerning specific patients or financial data submitted before Sept. 1, 1987
Tex Health & Safety Code § 361.037(b)	Copies of records held by Commission on Environmental Quality (under Solid Waste Disposal Act) relating to hazardous waste management and control, if owner of records shows

	to satisfaction of executive director that records would divulge trade secrets if made public
Tex. Health & Safety Code § 361.182(c)	Copies of records obtained by Commission on Environmental Quality in investigation of release or threatened release of hazardous substance at a facility, if satisfactory showing is made to commission by owner of records that records would divulge trade secrets if made public
Tex. Health & Safety Code § 361.508(a), (c)	Source reduction and waste minimization plan; executive summary, annual report or summary of report if owner or operator of facility shows to satisfaction of Commission on Environmental quality that executive summary, annual report or portion of summary or report would divulge trade secret if made public
Tex. Health & Safety Code § 366.005(c)	Information provided by electric utility (list compiled weekly for each county of addresses located in unincorporated areas of county at which utility has made new electric service connections during preceding week and submitted to county judge or officer or employee designated by county judge) (NOTE: county judge must forward list to each appraisal district and each emergency communication district in county)
Tex. Health & Safety Code § 382.041(a)	Information submitted to Natural Resources Conservation Commission (now Commission on Environmental Quality) relating to secret processes or methods of manufacture (in connection with Commission's duties under Clean Air Act) that is identified as confidential when submitted
Tex. Health & Safety Code § 401.067(b)	Records copied by local government relating to activities involving light pollution if record's owner shows to satisfaction of Commission on Environmental Quality that records if made public will divulge trade secrets (on showing, commission shall considered copied records confidential)
Tex. Health & Safety Code § 431.116(g)	Pricing information disclosed by manufacturers or labelers of drugs to Department of Health (may not be disclosed to Health and Human Services Commission or any other state agency in form that discloses identity of specific manufacturer or labeler or prices charged except as necessary to permit attorney general to enforce state and federal laws)
Tex. Health & Safety Code § 464.010(e)	All records made by Commission on Alcohol and Drug Abuse during investigation of alleged abuse or neglect of client of chemical dependency treatment facility
Tex. Health & Safety Code § 467.007(a)	Any information, report or record that approved

	peer assistance program (for impaired professionals) or licensing or disciplinary authority receives, gathers or maintains (without written approval of impaired professional or other interested person)
Tex. Health & Safety Code § 481.076(i)	Information submitted to director of Department of Public Safety concerning prescriptions of medications scheduled under the Controlled Substances Act
Tex. Health & Safety Code § 533.010(c)	Identity of person whose condition or treatment is studied (to reduce mental disorders and mental disabilities) (information provided for study and any finding or conclusion resulting from study is “privileged information”)
Tex. Health & Safety Code § 555.057	Communication (by any means) with Independent Ombudsman for State Supported Living Centers; records of Independent Ombudsman; name and any other personally identifiable information of resident or client, legally authorized representative of resident or client, family member of resident or client, center, center employee or other individual identified in report of Independent Ombudsman; name, address or other personally identifiable information of person who files complaint with Office of Independent Ombudsman, information generated by Office of Independent Ombudsman within investigation and confidential records obtained by Office of Independent Ombudsman
Tex. Health & Safety Code § 555.102(d)	All information and materials compiled by inspector general of Health and Human Services Commission in connection with investigation of alleged criminal offense involving resident or client of State Supported Living Center (information may be disclosed to Department of Family and Protective Services, Office of Attorney General, State Auditor’s Office and law enforcement agencies) (NOTE: summary report regarding investigation is subject to required disclosure under PIA)
Tex. Health & Safety Code § 571.015(a)*	Each paper in docket for mental health proceedings in county clerk’s office, including docket book, indexes and judgment books (*designated “public record of a private nature” that may be used, inspected or copied only under written order issued by county judge, judge of court that has probate jurisdiction or judge of district court having jurisdiction in county in which docket is located)
Tex. Health & Safety Code § 576.005	Records of mental health facility that directly or indirectly identify present, former or proposed

	patient
Tex. Health & Safety Code § 577.013(d)	All information and materials obtained or compiled by Department of Health in connection with complaint and investigation concerning licensed mental hospital (NOTE: may be disclosed to persons involved with department in enforcement action against hospital, hospital that is subject of enforcement action, appropriate state or federal regulating agency, law enforcement agency and persons engaged in bona fide research, if all individual-identifying information and information identifying hospital has been deleted)
Tex. Health & Safety Code § 595.001	Records of identity, diagnosis, evaluation or treatment of person that are maintained in connection with performance of program or activity relating to mental retardation (NOTE: confidentiality applies regardless of when person received services; <i>see</i> § 595.007)
Tex. Health & Safety Code § 611.002(a)	Communications between patient (person who consults or is interviewed by professional for diagnosis, evaluation or treatment of any mental or emotional condition or disorder, including alcoholism or drug addiction) and professional, records of identity, diagnosis or evaluation or treatment of patient created or maintained by professional
Tex. Health & Safety Code § 672.009(a)	Information, records acquired by adult fatality review team in exercise of its purpose and duties
Tex. Health & Safety Code § 674.007(a)	Information concerning fetal and infant mortality review if information would compromise privacy of decedent or decedent's family, including any information pertaining to decedent's death
Tex. Health & Safety Code § 771.061(a), (b)	Information that service provider of telecommunications service is required to furnish to governmental entity in providing computerized 9-1-1 service; information contained in address database maintained by governmental entity or third party used in providing computerized 9-1-1 service; information that service provider of telecommunications service furnishes to Commission on State Emergency Communications or emergency communication district to verify or audit emergency service fees or surcharge remittances that includes access line or market share information of individual service provider
Tex. Health & Safety Code § 771.0711(h)	Information wireless service provider is required to furnish to governmental entity in providing 9-1-1 service
Tex. Health & Safety Code § 772.002(c)	Information provided to board of managers of

	emergency communication district by service supplier or business service user that claims information is confidential for competitive purposes (in district that collects 9-1-1 emergency service fee from service supplier or business service user)
Tex. Health & Safety Code § 772.118(c)	Information furnished by service supplier as part of computerized 9-1-1 service, with respect to each call, telephone number of subscribers and address associated with number (in county with population over 2 million)
Tex. Health & Safety Code § 772.218(c)	Information furnished by service supplier as part of computerized 9-1-1 service, with respect to each call, telephone number of subscriber and address associated with number (in county with population over 860,000)
Tex. Health & Safety Code § 772.318(c)	Information furnished by service supplier as part of computerized 9-1-1 service, with respect to each call, telephone number of subscribers and addresses associated with numbers on call-by-call basis (in county with population over 20,000)
Tex. Health & Safety Code § 773.0612(b)	Report, record or working paper used or developed in investigation by Department of State Health Services related to patient care or to emergency medical services personnel
Tex. Health & Safety Code § 773.091	Communication between certified emergency medical services personnel or physician and patient made in course of providing emergency medical services to patient; records of identity, evaluation or treatment of patient by emergency medical services personnel or physician created by same
Tex. Health & Safety Code § 773.095(a)	Proceedings and records of organized committees of hospitals, medical societies, emergency medical services providers, emergency medical services and trauma care systems or first responder organizations relating to review relating to evaluation or improvement of emergency medical services provider, first responder organization, emergency medical services and trauma care system or emergency medical services personnel
Tex. Health & Safety Code § 777.012(c)	Information furnished to poison control center (for each call to emergency line of center, telephone number of subscribers and address associated with number); information contained in address database used to provide number or location identification information
Tex. Health & Safety Code § 781.202	Information within alarm systems records maintained by governmental body concerning location of alarm system, name of occupant of alarm system location or type of alarm system

Tex. Health & Safety Code § 784.003(a)	Communication made by emergency service provider to emergency response team member while provider receives critical incident stress management services or crisis response services; record kept by emergency response team member relating to provision of critical incident stress management services or crisis response services to emergency service provider
Tex. Health & Safety Code § 826.0211(a)	Information contained in rabies vaccination certificate or in any record compiled from information contained in one or more certificates that identifies or tends to identify owner or address, telephone number or other personally identifying information of owner of vaccinated animal (information in certificate or record may not include social security number or driver's license number of owner of vaccinated animal)
Tex. Health & Safety Code § 826.0311(a)	Information contained in municipal or county registry of dogs and cats that identifies or tends to identify owner or address, telephone number or other personally identifying information of owner of registered dog or cat (registry information may not include social security number or driver's license number of owner of registered animal)
Tex. Health & Safety Code § 1002.060(a)	Protected health information and individually identifiable health information collected, assembled or maintained by Texas Institute of Health Care Quality and Efficiency
<b>HUMAN RESOURCES CODE</b>	
Tex. Hum. Res. Code § 32.027(h)	Proposal or bid submitted by hospital and any work papers, cost reports or other financial data used to prepare proposal or bid (submitted to Health and Human Services Commission in connection with programs providing medical care for needy individuals)
Tex. Hum. Res. Code § 40.005	Records, papers, files and communications of Department of Family and Protective Services relating to recipient of department service or investigation department conducts in performing its duties and responsibilities as dictated by department's rules ( <i>see</i> 40 Tex. Admin. Code § 702.201(b))
Tex. Hum. Res. Code § 42.0451(d) (expires 9/1/15)	Information provided by Department of Family and Protective Services to Department of Public Safety from database of licensed foster homes and verified agency foster homes to be included in Texas Crime Information Center database for purpose of providing peace officer or employee of law enforcement agency with information as to whether street address is licensed as foster home or verified

	as agency foster home
Tex. Hum. Res. Code § 48.101(a) (expires 9/1/15)	Report of abuse, neglect or exploitation of elderly or disabled individual; identity of person making report; all files, reports, records, communications, working papers used or developed in investigation of abuse, neglect or exploitation of elderly or disabled individual or in providing services as result of investigation
Tex. Hum. Res. Code § 101.058(a)	All records and information to which Office of State Long-Term Care Ombudsman or designee obtains access (including patient care records of elderly residents of long-term care facilities)
Tex. Hum. Res. Code § 102.003(j)	Elderly individual's personal and clinical records
Tex. Hum. Res. Code § 111.058(b) (expires 9/1/15)	All criminal conviction record information obtained by Rehabilitation Commission from Department of Criminal Justice or Department of Public Safety relating to applicants selected for employment with commission, applicants for rehabilitation services or clients of commission
Tex. Hum. Res. Code § 111.0581(b) (expires 9/1/15)	Criminal history record information obtained by Board of Rehabilitation Commission from Department of Public Safety for purpose of criminal history background check on applicant for employment
Tex. Hum. Res. Code § 122.0215(b) (expires 9/1/15)	Financial and other information and records obtained by Council on Purchasing from People with Disabilities from central nonprofit agency or community rehabilitation program
Tex. Hum. Res. Code § 161.111(a) (expires 9/1/15)	Files, reports, records, communications or working papers used or developed by Department of Aging and Disability Services in performance of duties relating to assessment for or provision of guardianship services to individual referred for guardianship services
Tex. Hum. Res. Code § 202.009(c)	Information obtained by State Auditor from Office of Inspector General of Juvenile Justice Department (such as vouchers, electronic data and internal records, as well as information that is otherwise confidential under law)
Tex. Hum. Res. Code § 242.056(c)	Correspondence of children confined in Department of Juvenile Justice facilities with external entities, including advocacy and support groups
Tex. Hum. Res. Code § 261.056	Communication of child committed to Texas Juvenile Justice Department with independent ombudsman or assistant to ombudsman; records of independent ombudsman; names of all children, parents and employees in report of independent ombudsman; name address or other personally identifiable information of person who files

	complaint with office of independent ombudsman, information generated by office of independent ombudsman within investigation and confidential records obtained by office of independent ombudsman
<b>INSURANCE CODE</b>	
Tex. Ins. Code § 36.252	Information or material acquired by Department of Insurance that is relevant to further or complete investigation (including investigation files)
Tex. Ins. Code § 38.003(d)	Underwriting guidelines obtained by Department of Insurance or Office of Public Insurance Counsel
Tex. Ins. Code § 38.356	Data collected by Department of Insurance from each health benefit plan issuer concerning aggregate reimbursement rates by region paid by health benefit plan issuer for health care services identified by department
Tex. Ins. Code § 38.106(a)	Information or reports relating to HIV and AIDS if Commissioner of Insurance determines information or reports would reveal or might reveal identity of individual or associate individual with a company
Tex. Ins. Code § 38.162(a)	Information included in individual closed claim report or individual summary closed claim report submitted by insurer to Department of Insurance
Tex. Ins. Code § 401.020(c)	Work papers of accountant in audit of insurer's or health maintenance organization's financial statements copied and retained by Department of Insurance in department's review (review is considered investigation, and work papers obtained during investigation may be made confidential by Commissioner of Insurance unless work papers are admitted in evidence in hearing)
Tex. Ins. Code § 401.057(e)	Information obtained by Department of Insurance (work papers of accountant or accounting firm or carrier and record of any communication between accountant or accounting firm and carrier that relate to audit) in conducting examination (except when introduced as evidence in hearing)
Tex. Ins. Code § 401.058(a)	Final or preliminary examination report and any information obtained during examination (if examined carrier is under supervision or conservatorship, but not in liquidation or receivership)
Tex. Ins. Code § 401.201	Information relating to financial solvency of organization regulated by Department of Insurance that is obtained by department's early warning system
Tex. Ins. Code § 402.005(a)	Report obtained or disclosed to Commissioner of Insurance (insurer or health maintenance organization's report to Department of Insurance disclosing material acquisition or disposition of



	assets or material nonrenewal, cancellation or revision of ceded reinsurance agreement)
Tex. Ins. Code § 424.056(d)	Insurer's investment plan provided to Commissioner of Insurance or commissioner's designee (excluding life, health or accident insurers)
Tex. Ins. Code § 425.105(d)	Insurance company's investment plan provided to Commissioner of Insurance or commissioner's designee (capital stock life, health or accident insurer)
Tex. Ins. Code § 441.201(a)	Orders, notices, correspondence, reports, records and other information in Department of Insurance's possession relating to supervision or conservatorship of insurer (during supervision or conservatorship)
Tex. Ins. Code § 443.051(i)	All records of insurer, Department of Insurance files, court records and papers and other documents, so far as they pertain to or are part of record of proceedings, concerning proceeding for seizure order in receivership court
Tex. Ins. Code § 443.056(c)	Report from Texas Workers' Compensation Commission to Department of Insurance of any information that worker's compensation insurer has committed acts that indicate that insurer is impaired or insolvent (NOTE: confidentiality ends upon entry of order of liquidation against insurer unless otherwise agreed to by parties or pursuant to order of receivership court)
Tex. Ins. Code § 463.351(c)	Report of Commissioner of Insurance to Board of Directors of Texas Life and Health Insurance Guaranty Association
Tex. Ins. Code § 501.254(b)	Information held by Office of Public Insurance Counsel that could reasonably be expected to reveal identity of patient or physician, reveals zip code of patient's primary residence, discloses provider discount or differential between payment and billed charge or relate to actual payment made by payer to identified provider
Tex. Ins. Code § 545.057(a)	HIV-related test result (held by issuer)
Tex. Ins. Code § 546.102(a)	Genetic information, regardless of source of information (except, primarily, as authorized under state or federal criminal law relating to identification of individuals or criminal or juvenile proceeding, inquest or child fatality review by multidisciplinary team, as required under specific court order, for purpose of establishing paternity as authorized by state or federal law, to blood relatives of decedent for medical diagnosis or to identify decedent)

Tex. Ins. Code § 651.202(a)(1)	Report of examination or investigation of licensed insurance premium financing company and any correspondence or memoranda concerning or arising from examination or investigation (except in connection with hearing)
Tex. Ins. Code § 751.054(b)	Information received by individual within Department of Insurance who is designated by Commissioner of Insurance to receive information from employees of insurers and other entities regulated by department regarding violations of laws or rules by their employers
Tex. Ins. Code § 751.207(a)	Final or preliminary market conduct examination report and any information obtained during course of examination when commissioner revokes or suspends member insurer's certificate of authority, issues a formal order requiring member insurer to restrict premium writing, withdraw from state, reinsure all or part of insurer's business, obtain additional contributions to surplus, increase capital, surplus or another account for security of policyholders or creditors or has reasonable cause to believe from completed or continuing investigation that member insurer may be impaired or insolvent (until commissioner or other lawful authority makes report and contents public)
Tex. Ins. Code § 823.011(a)	Information, including documents and copies of documents, reported in registration of insurance holding company system, disclosed to Commissioner of Insurance in disclaimer of affiliation or obtained by or disclosed to Commissioner in examination or investigation
Tex. Ins. Code § 823.202(b)	On request of person filing statement concerning acquisition of control of domestic insurer, identity of commercial lender who in ordinary course of business provides consideration for acquisition
Tex. Ins. Code § 843.007(a)	Any information relating to diagnosis, treatment or health of enrollee or applicant obtained by health maintenance organization from enrollee or applicant or from physician or provider
Tex. Ins. Code § 843.078(l)	Compensation arrangements contained within application for certificate of authority to operate health maintenance organization (such as compensation based on fee-for-service arrangements, risk-sharing arrangements or capitated risk arrangements made or to be made with physicians and providers in exchange for provision of or arrangement to provide health care services to enrollees, including any financial incentives for physicians and providers)
Tex. Ins. Code § 843.102(g)	Clinical records of enrollees (in health maintenance

	organization)
Tex. Ins. Code § 843.156(d)	Copies of any contract, agreement or other arrangement between health maintenance organization and physician or provider that is provided to Commissioner of Insurance
Tex. Ins. Code § 846.056(e)	Information in application for final certificate of authority to operate multiple employer welfare arrangement filed with Commissioner of Insurance consisting of names and addresses of at least five employers (if employers in arrangement are not association) and copy of each plan document and each agreement with service providers
Tex. Ins. Code § 847.006(b)	Accreditation report issued by national accreditation organization concerning health benefit plan issuer submitted to Commissioner of Insurance (national accreditation organization recommendations summary results are not proprietary information and are subject to PIA)
Tex. Ins. Code § 847.008(b)	Documents submitted by Commissioner of Insurance to Health and Human Services Commission that have been reviewed by Department of Insurance and that substantiate the compliance of health benefit plan issuer with applicable state statutory and regulatory requirements
Tex. Ins. Code § 848.005(b)	Contract, agreement or document establishing another arrangement between health care collaborative and governmental or private entity for all or part of health care services provided or arranged for by health care collaborative or between health care collaborative and participating physicians and health care providers; written description of such contract, agreement, or other arrangement; information relating to bidding, pricing or other trade secrets submitted to Texas Department of Insurance or Attorney General; information relating to diagnosis, treatment, or health of patient who receives health care services from health care collaborative under contract for services; information relating to quality improvement or peer review activities of health care collaborative
Tex. Ins. Code § 848.153(d)	Documentation provided to Commissioner of Insurance or Attorney General by health care collaborative consisting of copy of any contract, agreement or other arrangement between health care collaborative and physician or health care provider and general description of fee arrangements between health care collaborative and physician or health care provider

Tex. Ins. Code § 981.158(a)(1)	Individual surplus lines insurance contract filed with Surplus Lines Stamping Office of Texas
Tex. Ins. Code § 1111A.020(a)	Documents and evidence obtained by Commissioner of Insurance in investigation of suspected or actual fraudulent life settlement act
Tex. Ins. Code § 1111A.022(b)	Antifraud plan submitted to Commissioner of Insurance (by provider or broker)
Tex. Ins. Code § 1215.002(c)	Report of claim information provided by health insurance issuer to governmental entity (that has entered into contract with health insurance issuer resulting in delivering, issuing for delivery or renewing group health plan)
Tex. Ins. Code § 1272.209(b)	Health care provider fee schedules, prices, costs of care or other information that is not relevant to monitoring plan submitted by Department of Insurance to delegated entity and health maintenance organization
Tex. Ins. Code § 1301.0051(c)	Insured records made available to Commissioner of Insurance (clinical records of insureds)
Tex. Ins. Code § 1301.0056(a)	Documentation provided to Commissioner of Insurance during examination of insurer to determine quality and adequacy of network used by exclusive provider benefit plan offered by insurer
Tex. Ins. Code § 1305.102(k)	Management contract (between health network and another entity for management services) filed with Department of Insurance
Tex. Ins. Code § 1305.152(a)	Provider contract between health network and each provider or group of providers that participates in network
Tex. Ins. Code § 1305.154(a)	Contract between health network and carrier
Tex. Ins. Code § 1467.059	Mediation agreement and order in out-of-network claim dispute subject to mandatory mediation
Tex. Ins. Code § 1501.215(c)	Description of small employer health benefit plan issuer's rating practices and renewal underwriting practices, including information and documentation that demonstrate rating methods and practices are based on commonly accepted actuarial assumption and in accordance with sound actuarial principles, provided to Commissioner of Insurance (unless information or documentation relates to violation of chapter 1501)
Tex. Ins. Code § 1551.063(a)	Records of participant in group benefits program in custody of Employees Retirement System of Texas or of administering firm, carrier or another governmental entity acting on behalf of retirement system (entity is not required to accept or comply with request for information or seek opinion from attorney general)
Tex. Ins. Code § 1575.360	Proceedings and records of credentialing committee (communications made to credentialing

	committee are “privileged”) concerning evaluation of qualifications of health care providers to participate in coordinated care network of Public School Employees Group Benefits Program
Tex. Ins. Code § 2001.006(e)	Information received by State Fire Marshal, fire marshal of political subdivision, chief of fire department or peace officer from insurer investigating fire loss of property in which damages or losses exceed \$1,000
Tex. Ins. Code § 2054.008(d)(1)	Investigation file compiled or maintained by mutual insurance company with respect to company investigation authorized by law
Tex. Ins. Code § 2202.103(d)	Trade secrets in records of joint underwriting association, including identity and addresses of policyholders and certificate holders
Tex. Ins. Code § 2552.252(d)	Report of examination and analysis filed with Department of Insurance by attorney’s title insurance company (classification of report as confidential and privileged is discretionary with department)
Tex. Ins. Code § 2602.011(c)	Report from Commissioner of Insurance to Board of Directors of Texas Title Insurance Guaranty Association when commissioner has reasonable cause to believe from completed or continuing examination of any title insurance company that company may be impaired title insurance company (until report is made public by commissioner or other lawful authority)
Tex. Ins. Code § 2651.155	Audit report filed with Department of Insurance by title insurance company (classification of report as confidential and privileged is discretionary with Commissioner of Insurance)
Tex. Ins. Code § 261.206(4)	Report from examination, review or audit of title agent or direct operation and any evidence regarding report (must be transmitted only to designated representatives of title agent or direct operation)
Tex. Ins. Code § 4001.206(b)	Document, record, statement or other information required to be made or disclosed to Department of Insurance (concerning termination of appointment of insurer’s agent for cause)
Tex. Ins. Code § 4151.103(c)	Information Commissioner of Insurance or commissioner’s designee obtains from written agreement between third-party administrator and insurer
Tex. Ins. Code § 4151.113(b)	Trade secret, including identity and address of policyholder, certificate holder or injured employee provided to Commissioner of Insurance or commissioner’s designee by administrator
Tex. Ins. Code § 4151.115(a)	Information that identifies an individual covered by

	a life, health or accident benefit plan
Tex. Ins. Code § 4151.153(b)	Data that identifies a patient held by a pharmacy benefit manager
Tex. Ins. Code § 4151.205(e)	Information derived from audited financial statement contained in annual report of administrator filed with Commissioner of Insurance
Tex. Ins. Code § 4201.154(b)	Any information obtained or acquired by Commissioner of Insurance from utilization review agent's written screening criteria and review procedures
Tex. Ins. Code § 4201.554	Individual medical records or other confidential information provided to Commissioner of Insurance by utilization review agent
Tex. Ins. Code § 4202.009	Information revealing identity of physician or other individual health care provider who makes review determination for independent review organization
Tex. Ins. Code § 6002.056	Records maintained by Department of Insurance concerning fire detection and alarm device installation on home address, home telephone number, driver's license number or social security number of applicant or license or registration holder
<b>LABOR CODE</b>	
Tex. Lab. Code § 21.305(c)	Information held by Workforce Commission Civil Rights Division consisting of: identifying information or persons other than parties and witnesses to complaint; identifying information about confidential witnesses, including any confidential statement given by witness; sensitive medical information about charging party or witness to complaint provided by person other than requestor and not relevant to issues raised in complaint, including information that identifies medical conditions that are not obviously apparent or visible; identifying information about person other than charging party found in sensitive medical information (regardless of relevancy to complaint); nonsensitive medical information relevant to complaint if disclosure would result in invasion of personal privacy (unless generally known or previously reported to public); identifying information about other respondents or employers not party to complaint; information relating to settlement offers or conciliation agreements received from one party not conveyed to other and information contained in separate alternative dispute resolution file prepared for mediation purposes; identifying information about person on whose behalf complaint was filed if person requested person's identity remain

	confidential
Tex. Lab. Code § 21.403(a)	Genetic information, regardless of source of information (except, primarily, as authorized under state or federal criminal law relating to identification of individuals or criminal or juvenile proceeding, inquest or child fatality review by multidisciplinary team, as required under specific court order, for purpose of establishing paternity as authorized by state or federal law, to blood relatives of decedent for medical diagnosis or to identify decedent)
Tex. Lab. Code § 91.048(2)*	Information made available to Executive Director of Department of Licensing and Regulation concerning licensed staff leasing service provider consisting of correct name, address and telephone number of each client, each contract, and listing by classification code as described in “Standard Industrial Classification Manual” published by United States Office of Management and Budget of each client (*until 9/1/13, when references to “staff leasing service company” change to “professional employer organization”)
Tex. Lab. Code § 92.022(c)	Information received by Commission on Licensing and Regulation or Department of Licensing and Regulation reflecting records that show for each common worker provided by licensed common worker provider to user of common workers name and address of worker, hours worked, places at which work was performed, wages paid to worker and deductions made from wages
Tex. Lab. Code § 101.104(a)	Ballot for election of officer, agent, organizer or representative of labor union (expressly made “secret”)
Tex. Lab. Code § 301.086(b)	Information provided by Workforce Commission to Comptroller consisting of name, address, social security number and date of birth of each person about whom commission has information in its records (for purpose of assisting Comptroller in identification of persons entitled to unclaimed property reported to Comptroller)
Tex. Lab. Code § 306.008(c)	Information received by Workforce Commission through data interface with Youth Commission (now Department of Juvenile Justice) and Department of Criminal Justice consisting of detailed information about persons released from correctional facility who might benefit from post-release Project RIO (reintegration of offenders) services, including: demographic and identifying information; person’s address on release;

	comprehensive state offense history, including date of release from correctional facility, sentence discharge date and conditions of parole; assessment information; educational and work history; information related to participation in work against recidivism program operated by Department of Criminal Justice's manufacturing and logistics division under Texas Correctional Industries Office; other employment and workforce services provided before release from correctional facility and referral information necessary to implement provision of post-release employment services
Tex. Lab. Code § 402.083(a)	Information in or derived from claim file (in workers' compensation matter) regarding employee
Tex. Lab. Code § 402.092(b)	Information compiled or maintained by workers' compensation division of Texas Department of Insurance with respect to division investigation under workers' compensation law
Tex. Lab. Code § 404.111(g)	Information on health care providers and injured employees in possession of Office of Injured Employee Counsel, any compilation, report or analysis produced from the information that identifies providers and injured employees
Tex. Lab. Code § 405.004(d)	Identity of individual or entity selected to participate in survey, or who participates in survey, conducted by workers' compensation research and evaluation group (except identification of workers' compensation health care network, so long as injured employee or other individual is not identified)
Tex. Lab. Code § 407A.455(c)	Confidential information received by Board of Directors of Texas Self-Insurance Group Guaranty Fund from Texas Department of Insurance on financial condition of groups, including examination and audit reports
Tex. Lab. Code § 408.0291(f)	Information in contract provided to worker's compensation division of Texas Department of Insurance that includes specific fee schedule authorizing payment of health care provider fees for pharmaceutical services that are inconsistent with fee guidelines adopted by Commissioner of Worker's Compensation
Tex. Lab. Code § 410.105(c)	Regional lists of qualified arbitrators established and maintained by worker's compensation division of Texas Department of Insurance
Tex. Lab. Code § 411.034(a)	Identity of employee in employer's report to workers' compensation division of Texas Department of Insurance concerning on-the-job injury that results in employee's absence from work for more than one day, occupational disease



	of which employer has knowledge
Tex. Lab. Code § 411.105(a)	Information held by workers' compensation division of Texas Department of Insurance relating to secret processes, methods of manufacture or products
Tex. Lab. Code § 412.0128	Information in or derived from worker's compensation claim file regarding employee held by State Office of Risk Management
Tex. Lab. Code § 413.0514(c), (e)	Information received by workers' compensation division of Department of Insurance from Texas State Board of Medical Examiners or Texas Board of Chiropractic Examiners, or by those agencies from workers' compensation division, concerning investigation
<b>LOCAL GOVERNMENT CODE</b>	
Tex. Loc. Gov't Code § 142.064(a)(2)	Ballot in election by recognized police officers association to ratify meet and confer agreement (expressly made "secret")
Tex. Loc. Gov't Code § 142.114(a)(2)	Ballot in election by recognized firefighters association to ratify meet and confer agreement (expressly made "secret")
Tex. Loc. Gov't Code § 142.159(a)(2)	Ballot in election by emergency medical services personnel association to ratify agreement between public employer, association and emergency medical services personnel covered by agreement (expressly made "secret")
Tex. Loc. Gov't Code § 142.160(c)	Ballot in vote by members of emergency medical services personnel on whether agreement may diminish or qualify right, benefit or privilege of employee under chapter 142 or other law (expressly made "secret")
Tex. Loc. Gov't Code § 143.035(e)	Ballot in election on which sworn police officer may vote "for" or "against" revised promotional system (expressly made "secret")
Tex. Loc. Gov't Code § 143.089(g)	Personnel file on fire fighter or police officer maintained for department's use (requests for information must be directed to director of fire fighters' and police officers' civil service)
Tex. Loc. Gov't Code § 143.135(d)	Conduct and demeanor of mediator and parties in dispute regarding police officer during course of mediation; letter, memorandum, document, note or other oral or written communication relevant to dispute made between mediator and parties to dispute or between parties to dispute during course of mediation procedure (unless all parties to mediation agree to disclosure)
Tex. Loc. Gov't Code § 143.206(a)(2)	Ballot in referendum to ratify agreement between public employer and fire fighters association recognized as sole and exclusive bargaining agent (in municipalities with population of 1.5 million or

	more) (expressly made “secret”)
Tex. Loc. Gov’t Code § 143.207(c)	Ballot in referendum by members of fire fighters association recognized as sole and exclusive bargaining agent on whether agreement may diminish or qualify any right, benefit or privilege of employment under chapter 143 or other law (in municipalities with population of 1.5 million or more) (expressly made “secret”)
Tex. Loc. Gov’t Code § 143.306(a)(2)	Ballot in vote to ratify agreement between public employer and association of fire fighters or police officers (in municipality with population of 460,000 or more and city manager form of government) (expressly made “secret”)
Tex. Loc. Gov’t Code § 143.307(c)	Ballot in vote by members of association of fire fighters or police officers on whether agreement may diminish or qualify any right, benefit or privilege of employment under chapter 143 or other law (in municipality with population of 460,000 or more and city manager form of government) (expressly made “secret”)
Tex. Loc. Gov’t Code § 143.361(c)	Ballot in election by bargaining agent (police employee group) on whether agreement may diminish or qualify any right, benefit or privilege of employee under chapter 143 or other law (in municipality with population of 1.5 million or more) (expressly made “secret”)
Tex. Loc. Gov’t § 146.014(a)(2)	Ballot in election by recognized employee association (of municipal employees) to ratify meet and confer agreement (in municipality with population of 1.5 million or more) (expressly made “secret”)
Tex. Loc. Gov’t Code § 158.033(b)	Ballot in election by employees of sheriff’s department on question of creation of sheriff’s department civil service system (in county with population of more than 500,000) (expressly made “secret”)
Tex. Loc. Gov’t Code § 158.039(b)	Ballot in election by employees of sheriff’s department on question of dissolution of department’s civil service system (in county with population of more than 500,000) (expressly made “secret”)
Tex. Loc. Gov’t Code § 161.102	Name of person requesting ethics advisory opinion (from El Paso County Ethics Commission)
Tex. Loc. Gov’t Code § 161.173	Proceedings at preliminary review hearing performed by standing preliminary review committee (of El Paso County Ethics Commission), documents, additional evidence relating to processing, preliminary review, preliminary review hearing or resolution of sworn complaint unless entered into record of formal hearing or judicial

	proceeding
Tex. Loc. Gov't Code § 252.049(a)	Trade secrets and confidential information in competitive sealed bids (submitted to municipality)
Tex. Loc. Gov't Code § 262.0225(b)	Bids or proposals received by county for purchases subject to County Purchasing Act (bids or proposals become subject to PIA upon opening; <i>see</i> § 262.026(b))
Tex. Loc. Gov't Code § 262.030(c)	Trade secrets and confidential information in competitive proposals (submitted to county)
Tex. Loc. Gov't Code § 271.0065(b)	Bids or proposals received by municipality, county, school district, conservation and reclamation district, hospital organization or other political subdivision for purchases under Public Property Finance Act
Tex. Loc. Gov't Code § 271.0245(b)	Bids received by county, common or independent school district, hospital district or authority or agency or instrumentality of any of those entities for public works contracts
<b>NATURAL RESOURCES CODE</b>	
Tex. Nat. Res. Code § 11.086(a)	Information relating to development, location, purchase price or sale price of real property developed, purchased or sold by or for School Land Board, Veterans' Land Board, General Land Office or Commissioner of General Land Office, including contract provision related to development, purchase or sale of property (until all deeds for property applicable to transaction or series of transactions are executed and until all substantive performance or executor requirements of applicable contracts have been satisfied); information includes: appraisal; completed report, evaluation or investigation conducted for purpose of locating or determining purchase or sale price of property; or any report prepared in anticipation of developing, purchasing or selling real property
Tex. Nat. Res. Code § 52.035(b)	Information obtained from Department of Interior under agreement executed by governor on behalf of state to obtain access to confidential and proprietary information regarding exploration, development or production of oil, gas or other minerals on outer continental shelf
Tex. Nat. Res. Code § 52.140(a)	Information secured, derived or obtained during inspection or examination of books, accounts, reports or other records concerning royalty payments in connection with lease of state land or mineral interests
Tex. Nat. Res. Code § 52.190(d)	Geological, geophysical, geochemical and other data or copies of data, including interpretive data, pertinent to mineral exploration on public free school lands or asylum lands provided by owner of

	soil of those lands to General Land Office (until, generally, one year after expiration, termination or forfeiture of lease, then to extent permitted by PIA)
Tex. Nat. Res. Code § 52.324(e)	Information acquired by Commissioner of General Land Office from permittee (conducting geophysical or geochemical exploration on public school land) concerning permittee's geophysical or geochemical exploration
Tex. Nat. Res. Code § 53.027	If requested in writing by General Land Office, copy of contract, agreement or amendment for sale or processing of minerals leased from state land and any subsequent agreement or amendment to contract filed in land office (unless otherwise authorized by lessee)
Tex. Nat. Res. Code § 53.028(a)	Information secured, derived or obtained during inspection or examination of books, accounts, reports or other records under Natural Resources Code, rule or lease provision concerning prospect for minerals on state land
Tex. Nat. Res. Code § 53.079	If requested in writing by General Land Office, copy of contract for sale or processing of minerals on land on which state retains ownership of mineral interests and any subsequent agreement or amendment to contract filed in land office (unless otherwise authorized by lessee)
Tex. Nat. Res. Code § 53.080(a)	Information secured, derived or obtained during inspection or examination of books, accounts, reports or other records under Natural Resources Code, rule or lease provision concerning lease by surface owner where state retains ownership of mineral interests
Tex. Nat. Res. Code § 53.081(d)	Geological, geophysical, geochemical and other data or copies of data, including interpretive data, pertinent to exploration for minerals other than oil and gas on public free school lands or asylum lands provided by owner of soil of those lands to General Land Office (until, generally, one year after expiration, termination or forfeiture of lease, then to extent permitted by PIA)
Tex. Nat. Res. Code § 53.156	If requested in writing by General Land Office, copy of contract for sale or processing of coal, lignite, sulphur, salt or potash leased from coastal areas, rivers and channels or public school lands and any subsequent agreement or amendment filed in land office (unless otherwise authorized by lessee)
Tex. Nat. Res. Code § 91.553(b)	Electric log for which operator's request for confidentiality has been granted by Railroad Commission (during period of granted confidentiality)

Tex. Nat. Res. Code § 131.048	Information submitted to Railroad Commission concerning uranium deposits, including test borings, core samples, geophysical logs or trade secrets or privileged commercial or financial information relating to competitive rights for exploration permit or surface mining permit (concerning uranium) and specifically identified as confidential by applicant (if not essential for public review, as determined by commission)
Tex. Nat. Res. Code § 134.031	Information pertaining to analysis of chemical or physical properties of coal (except potential toxicity to environment); information submitted to Railroad Commission concerning mineral deposits, test borings, core samplings, trade secrets or commercial or financial information relating to competitive rights of applicant specifically identified as confidential by applicant (unless required to be on public file by other law)
<b>OCCUPATIONS CODE</b>	
Tex. Occ. Code § 58.102(a)	Genetic information, regardless of source of information (generally, as obtained in licensing context) (NOTE: confidentiality applies to redisclosure of genetic information by secondary recipient of information after disclosure by initial recipient)
Tex Occ. Code § 59.001	Social security number of applicant for or holder of license, certificate of registration or other legal authorization issued by licensing agency to practice in specific occupation or profession that is provided to licensing agency
Tex. Occ. Code § 101.053	Complaint, adverse report or other information regarding content of complaint in possession of Health Professions Council or its employee or agent relating to person initiating complaint or license holder who is subject of complaint
Tex. Occ. Code § 110.162	Any record relating to identity, examination, diagnosis, prognosis or treatment of sex offender held by Texas Council on Sex Offender Treatment or consultant employed by council
Tex. Occ. Code § 110.256(a)	All information and materials subpoenaed or compiled by Texas Council on Sex Offender Treatment in connection with complaint and investigation
Tex. Occ. Code § 155.007(g)	Each report received or gathered by Texas Medical Board on license applicant (may be disclosed to appropriate licensing authority in another state; must report all licensing actions to appropriate licensing authorities in other state and to Federation of State Medical Boards of United States)
Tex. Occ. Code § 156.006(d)	Telephone numbers, fax numbers and e-mail

	addresses, if available and as appropriate that Texas Medical Board may use to contact license holder in emergency (may be published, released or made available in event of declared public health emergency for sole purpose of disseminating information to license holder, designated city, county, state or federal public health or emergency management official or Federal of State Medical Boards)
Tex. Occ. Code § 159.002	Communication between physician and patient; record of identity, diagnosis, evaluation or treatment of patient by physician maintained by physician
Tex. Occ. Code § 160.004(c)	Each proceeding and record of committee of professional medical society or association composed primarily of physicians, staff of that committee or district or local intervenor participating in program established to aid physicians whose ability to practice medicine is impaired, or reasonably believed to be impaired, by drug or alcohol abuse or mental or physical illness (communication with those entities is “privileged”)
Tex. Occ. Code § 160.005	Report of medical peer review committee or health care entity to Texas Medical Board adversely affecting clinical privileges of physician for more than 30 days, accepting physician’s surrender of clinical privileges, adversely affecting physician’s membership in professional society or association if peer review conducted by society or association; report to Texas Medical Board if physician poses continuing threat to public welfare through practice of medicine; report to Texas Medical Board or health care entity in which affected physician has clinical privileges of name of impaired physician and related facts or that physician poses continuing threat to public welfare
Tex. Occ. Code § 160.006	Record, report or other information received and maintained by Texas Medical Board during investigation
Tex. Occ. Code § 160.007(a)	Proceeding of and any communication made to medical peer review committee
Tex. Occ. Code § 162.159	Information collected, maintained or stored by Texas Medical Board concerning physician credentials
Tex. Occ. Code § 164.007(c)	Complaint, adverse report, investigation file, other investigation report and other investigative information in possession of or received or gathered by Texas Medical Board or its employees or agents relating to license holder, application for license or criminal investigation or proceeding

	(investigative information includes information relating to identity of and report made by physician performing or supervising compliance monitoring for board)
Tex. Occ. Code § 167.005(b)	Information concerning Texas Physician Health Program (administratively attached to Texas Medical Board)
Tex. Occ. Code § 167.101(a)	Each referral, proceeding, report, investigative file, record or other information received, gathered, created or maintained by Texas Physician Health Program or its employees, consultants, work site monitors or agents relating to physician or physician assistant
Tex. Occ. Code § 201.206(a)	Investigation files of Board of Chiropractic Examiners
Tex. Occ. Code § 201.402(a), (b)	Communications between chiropractor and patient relating to or in connection with any professional services provided by chiropractor to patient; records of identity, diagnosis, evaluation or treatment of patient by chiropractor created or maintained by chiropractor
Tex. Occ. Code § 202.402(a), (b)	Communication related to or in connection with professional services provided by podiatrist for patient; records of identity, diagnosis, evaluation or treatment of patient by podiatrist created or maintained by podiatrist
Tex. Occ. Code § 202.454(a)	Proceedings and records of podiatric peer review committee (all communications made to committee are “privileged”) (NOTE: may be considered non-confidential if court makes preliminary finding that proceedings, records or communications of committee are relevant to anticompetitive or federal civil rights action)
Tex. Occ. Code § 202.509(a), (e)	Complaint, report, investigation file or other investigative information in possession of or received or gathered by State Board of Podiatric Medical Examiners or agent of board that relates to license holder, license application or criminal investigation or proceeding; information provided to law enforcement agency by board in course of investigation that indicates crime may have been committed
Tex. Occ. Code § 204.254	Complaint, adverse report, investigation file, other report or other investigative information in possession of or received or gathered by Physician Assistant Board or board employee or agent relating to license holder, license application or criminal investigation or proceeding
Tex. Occ. Code § 204.255(b)	Confidential information disclosed by Physician Assistant Board to law enforcement agency by

	board if investigative information in possession of board indicates crime may have been committed (concerning physician assistant)
Tex. Occ. Code § 205.3544	Investigation file of State Board of Acupuncture Examiners relating to license holder in informal proceeding (in manner provided by § 164.007(c))
Tex. Occ. Code § 205.3562(b)	Any information received by private acupuncture association from State Board of Acupuncture Examiners determined by board to be necessary, including copy of rehabilitation order
Tex. Occ. Code § 205.358(a)	Rehabilitation orders imposed by State Board of Acupuncture Examiners (may be audited by State Auditor or private auditor with whom acupuncture board contracts to perform audit; audit results are public record, but confidentiality of each license holder who is subject to rehabilitation order must be maintained)
Tex. Occ. Code § 206.157	Complaint, adverse report, investigation file or other report, identity of and reports made by physician or surgical assistant performing or supervising compliance monitoring for Texas Medical Board (regarding surgical assistant), or other investigative information in possession of or received or gathered by board, board employee or agent relating to license holder, license application or criminal investigation or proceeding
Tex. Occ. Code § 206.158(b)	Confidential information disclosed by Texas Medical Board to law enforcement agency if investigative information in possession of board or board employee or agent indicates crime may have been committed (concerning surgical assistant)
Tex. Occ. Code § 206.307(a)	Rehabilitation order imposed by Texas Medical Board against surgical assistant (may be audited by State Auditor or private auditor with whom board contracts to perform audit; audit results are public record, but confidentiality of each license holder who is subject to rehabilitation must be maintained)
Tex. Occ. Code § 206.3075(b)	Any information received by private medical or surgical assistant association from Texas Medical Board determined by board to be necessary, including copy of rehabilitation order
Tex. Occ. § 254.006(b)	Investigation files and other records of State Board of Dental Examiners (may be shared with another state regulatory agency or local, state or federal law enforcement agency; does not exclude from disclosure disciplinary action of board)
Tex. Occ. Code § 258.102(a)	Communication between dentist and patient that relates to professional service provided by dentist; dental record (made "privileged," may not be disclosed)



Tex. Occ. Code § 258.106(a)(1)(B), (a)(3), (b)	Identity of patient whose dental record is disclosed to governmental agency if disclosure is required by other law; identity of patient whose dental record is disclosed to person in relation to management or financial audit, program evaluation or research (person may not disclose patient's identity in writing)
Tex. Occ. Code § 261.051(a)	Dental peer review committee's proceedings and records (communications made to committee are "privileged") (NOTE: may be considered non-confidential if court makes preliminary finding that proceedings, records of or communications made to committee are relevant to anticompetitive or federal civil rights action)
Tex. Occ. Code § 301.206(b)	Nurse's personal contact information, including e-mail addresses, telephone numbers and fax numbers collected by Texas Board of Nursing for use by emergency relief program (program operated or sponsored by federal government, state or nonprofit organization to provide nurses to assist in providing health care to victims or potential victims of disaster or state or local emergency)
Tex. Occ. Code § 301.207	Information, including diagnosis and treatment, regarding person's physical or mental condition, intemperate use of drugs or alcohol or chemical dependency, information regarding person's criminal history and any other information submitted to Board of Nursing in petition for declaratory order of eligibility for license, application for initial license or license renewal
Tex. Occ. Code § 301.417(a)	Report required or authorized (concerning nursing violations and patient care concerns) made to Board of Nursing and identity of person making report
Tex. Occ. Code § 301.4521(j)	Results of evaluation (physical or psychological evaluation conducted to determine person's fitness to practice nursing) required by Board of Nursing
Tex. Occ. Code § 301.466(a)	Complaint and investigation concerning nurse and all information and material compiled by Board of Nursing in connection with complaint and investigation (NOTE: filing of formal charges against nurse by board, nature of charges, disciplinary proceedings of board and final disciplinary actions are not confidential)
Tex. Occ. Code § 303.006(a)	Nursing peer review committee proceeding, any communication made to nursing peer review committee (communication is "privileged")
Tex. Occ. Code § 303.012(b), (d)	Information collected as part of error classification system (developed by Board of Nursing; considered record of nursing peer review)

	committee); information received by board that contains information identifying specific patient, nurse, health care facility, nursing peer review committee or sponsoring organization of committee
Tex. Occ. Code § 351.2045(a)	Investigation files of Optometry Board
Tex. Occ. Code § 401.2535(h)	All information and materials subpoenaed or compiled by State Board of Examiners for Speech-Language Pathology and Audiology in connection with complaint and investigation (NOTE: filing of formal charges by board against holder of license, nature of charges, disciplinary proceedings of board and final disciplinary actions are not confidential)
Tex. Occ. Code § 402.154(h)	All information and materials subpoenaed or compiled by State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments in connection with complaint and investigation (NOTE: filing of formal charges by committee against holder of license, nature of charges, disciplinary proceedings of committee and final disciplinary actions are not confidential)
Tex. Occ. Code § 451.110(h)	All information and materials subpoenaed or compiled by Advisory Board of Athletic Trainers in connection with complaint and investigation (NOTE: filing of formal charges by board against holder of license, nature of charges, disciplinary proceedings of board and final disciplinary action are not confidential)
Tex. Occ. Code § 502.2045(h)	All information and materials subpoenaed or compiled by Board of Examiners of Marriage and Family Therapists in connection with complaint and investigation (NOTE: filing of formal charges by board against holder of license, nature of charges, disciplinary proceedings of board and final disciplinary action are not confidential)
Tex. Occ. Code § 505.2545(h)	All information and materials subpoenaed or compiled by State Board of Social Worker Examiners in connection with complaint and investigation (NOTE: filing of formal charges against holder of license or order of recognition, nature of charges, disciplinary proceedings of board and final disciplinary actions are not confidential)
Tex. Occ. Code § 555.001(d)	Information regarding home address or home telephone number of licensed or registered pharmacy or pharmacist, including pharmacy owner (business address or address of record provided to State Board of Pharmacy is subject to PIA)
Tex. Occ. Code § 555.010	Identity of person who reports to or assists State

	Board of Pharmacy in complaint proceeding and document that could disclose identity of that person
Tex. Occ. Code § 556.053(b)	Reports, records, formulas and test results of samples of products compounded by pharmacies obtained by State Board of Pharmacy
Tex. Occ. Code § 564.002	Records, proceedings of State Board of Pharmacy relating to impaired pharmacist or pharmacy student, including information relating to report, identity of individual or entity making report; identity of impaired pharmacist or pharmacy student participating in program to aid impaired pharmacists or pharmacy students; report, interview, statement, memorandum, evaluation, communication or other information possessed by board, authorized agent of board or pharmaceutical organization committee related to potentially impaired pharmacist or pharmacy student; policy or procedure of entity that contracts with board relating to personnel selection; record relating to operation of board, authorized agent of board or pharmaceutical organization committee relating to potentially impaired pharmacist or pharmacy student
Tex. Occ. Code § 564.103(a), (d)	All proceedings, records of pharmacy peer review committee, communications made to pharmacy peer review committee (communications are “privileged”); reports, information or records of pharmacy peer review committee received and maintained by State Board of Pharmacy
Tex. Occ. Code § 565.066(b)	Information or material compiled by State Board of Pharmacy in connection with investigation, including investigative file of board
Tex. Occ. Code § 569.004(b)	Information submitted to State Board of Pharmacy by pharmacist’s or pharmacy’s liability insurer concerning claim or complaint
Tex. Occ. Code § 602.1525(h)	All information and materials subpoenaed or compiled by Board of Licensure for Professional Medical Physicists in connection with complaint and investigation (NOTE: filing of formal charges by board against holder of license, nature of charges, disciplinary proceedings of board and final disciplinary actions are not confidential)
Tex. Occ. Code § 603.2041(h)	All information and materials subpoenaed or compiled by Department of State Health Services in connection with complaint and investigation (concerning perfusionist) (NOTE: filing of formal charges by department against holder of license, nature of charges, disciplinary proceedings of department and final disciplinary actions are not confidential)

Tex. Occ. Code § 605.2021(h)	All information and materials subpoenaed or compiled by Board of Orthotics and Prosthetics in connection with complaint and investigation (NOTE: filing of formal charges by board against holder of license, nature of charges, disciplinary proceedings of board and final disciplinary actions are not confidential)
Tex. Occ. Code § 701.20241(h)	All information and materials subpoenaed or compiled by State Board of Examiners of Dietitians in connection with complaint and investigation (NOTE: filing of formal charges by board against holder of license, nature of charges, disciplinary proceedings of board and final disciplinary actions are not confidential)
Tex. Occ. Code § 801.207(b)	Investigation record of State Board of Veterinary Medical Examiners, including record relating to complaint that is found to be groundless
Tex. Occ. Code § 801.353(a), (b)	Information concerning veterinarian's care of animal (except on receipt of written authorization or other form of waiver executed by client or appropriate court order or subpoena)
Tex. Occ. Code § 901.160(c)	Information gathered or received by State Board of Public Accountancy consisting of: information regarding qualifications of applicant or licensed holder to be certified as certified public accountant; information regarding qualifications of applicant or firm license holder to be issued firm license as certified public accountancy firm and information regarding disciplinary action against license holder or applicant to take uniform CPA examination before public hearing on matter (NOTE: final order of board relating to disciplinary action against license holder resulting from informal proceeding or formal public hearing is subject to disclosure to public)
Tex. Occ. Code § 953.054	Information submitted to Executive Director of Department of Licensing and Regulation concerning number of legal service contracts sold by company annually (expressly made "trade secret")
Tex. Occ. Code § 1001.212(a)	Statement made by person providing reference for applicant and other pertinent information compiled by or submitted to Board of Professional Engineers relating to applicant for license
Tex. Occ. Code § 1001.252(l)	Complaint and other enforcement case information related to complaint for any complaint determined to be frivolous or without merit by Board of Professional Engineers
Tex. Occ. Code § 1002.202(e), (f)	Complaint filed with Board of Professional Geoscientists from time of receipt through

	conclusion of investigation (until after date formal charges are filed); complaint and other information related to complaint if complaint is determined to be frivolous or without merit
Tex. Occ. Code § 1002.260	Statement made by person who provides reference for applicant for license (as professional geoscientist) or provides any information compiled or submitted to Board of Professional Geoscientists relating to applicant
Tex. Occ. Code § 1071.204(e)	For any complaint filed with Board of Professional Land Surveying determined to be frivolous or without merit, complaint and other enforcement case information related to complaint
Tex. Occ. Code § 1103.257(d)	Examination results (concerning examination taken by applicant for license from Appraiser Licensing and Certification Board)
Tex. Occ. Code § 1201.608(d)	While investigation is pending, information obtained by manufactured housing division of Department of Housing and Community Affairs in connection with investigation
Tex. Occ. Code § 1304.104	Information concerning number of service contracts sold or issued by residential service provider (expressly made “trade secret”)
Tex. Occ. Code § 1303.202(c)	Information provided by residential service company to Texas Real Estate Commission relating to performance and solvency of residential service company
Tex. Occ. Code § 1306.054(d)	Information concerning number of identity recovery service contracts sold or issued by provider submitted to Department of Licensing and Regulation (expressly made “trade secret”)
Tex. Occ. Code § 1701.454(a)	All information submitted to Commission on Law Enforcement concerning employment records of peace officers (unless person resigned or was terminated due to substantiated incidents of excessive force or violations of law other than traffic offenses)
Tex. Occ. Code § 1702.085	Records maintained by Department of Public Safety on home address, home telephone number, driver’s license number or social security number of applicant or license holder, registrant or security officer commission holder (under Private Security Act)
Tex. Occ. Code § 1702.284(a)	Information contained in alarm systems records maintained by governmental body concerning location of alarm system, name of occupant of alarm system location or type of alarm system
Tex. Occ. Code § 1702.286(c)	Information provided to governmental body upon installation or activation of alarm system consisting of alarm systems company name, alarm systems

	company license number, name of occupant of alarm system location, address of alarm system location and date of installation or activation
Tex. Occ. Code § 1704.0535(a)	Ballot in vote by licensed bail bond sureties and agents for corporate sureties to elect member of Bail Bond Board who represents licensed bail bond sureties (expressly made “secret”)
Tex. Occ. Code § 1901.251(c)	Well log (made and kept by water well driller who drills, deepens or otherwise alters a water well) if Department of Licensing and Regulation receives, by certified mail, written request from owner of well or person for whom well was drilled that well log be made confidential
Tex. Occ. Code § 1956.065(b)	Information obtained by peace officer from dealer from inspection of crafted precious metal purchased by dealer (while in dealer’s possession)
Tex. Occ. Code § 2051.401(c)	Information and evidence obtained by Secretary of State by subpoena or summons to compel attendance and testimony of witness or production of records (concerning athlete, compliance coordinator or any person subject to regulation of athlete agents)
Tex. Occ. Code § 2051.404(e)	Interrogatories and answers to interrogatories served by Secretary of State on athlete, compliance coordinator or any person subject to regulation of athlete agents, or an officer, director, partner or associate of the person, if interrogatories are reasonable and necessary to conduct investigation (information may be disclosed to governmental authority or quasi-governmental authority)
Tex. Occ. Code § 2153.101(a)	Information contained in application for license concerning music, skill or pleasure coin-operated machine
Tex. Occ. Code § 2153.102	Information derived from book, record, report or application concerning coin-operated machine required to be made available to Comptroller or attorney general (may be used to enforce chapter 2153)
Tex. Occ. Code § 2301.2575	Request for application for motor vehicle dealer’s license
Tex. Occ. Code § 2306.052(b)	Information submitted to Department of Licensing and Regulation regarding number of vehicle protection products sold by warrantor (expressly made “trade secret”)
Tex. Occ. Code § 2308.0575(d)	Information held by Texas Commission on Licensing and Regulation that identifies person or company and is contained in study examining towing fee studies conducted by Texas municipalities, analyzing cost of towing services by company, consumer price index, geographic area

	and individual cost components claimed to be confidential for competitive purposes
Tex. Occ. Code § 2501.252	Service file (job order, resume, application, workpaper or other record containing information relating to applicant, employer, employment position or operation of personnel service) (expressly made “trade secret”)
<b>PARKS AND WILDLIFE CODE</b>	
Tex. Parks & Wild. Code § 31.105(b)	Report made by operator of vessel involved in collision, accident or other casualty that results in death or injury to person or damage to property in excess of amount set by Parks and Wildlife Commission (not less than \$2,000) including full description of collision, accident or casualty in accordance with department regulation
<b>PROBATE CODE</b>	
Tex. Prob. Code § 698(b), (b-1) (expires 1/1/14)	Criminal history record information provided to county clerk, Guardianship Certification Board
<b>PROPERTY CODE</b>	
Tex. Prop. Code § 11.008(b)	Individual’s social security number (preparer of deed or deed of trust may not include individual’s social security number in document presented for recording in office of county clerk; county clerk has no duty to ensure instrument presented for recording does not contain individual’s social security number)
Tex. Prop. Code § 74.104(a)	Property report filed with Comptroller (concerning property that is presumed abandoned), until second anniversary of date report is filed
Tex. Prop. Code § 74.104(a), (b)	Property report filed with treasurer of holder (school district, municipality, county or certain junior colleges) concerning property presumed abandoned and valued at \$100 or less, until second anniversary of date report is filed; social security number of owner that is reported to treasurer of holder
Tex. Prop. Code § 211.004(f)	Ballot submitted by property owner in property owners’ association vote on procedure to amend restrictions (expressly made “secret”)
<b>TAX CODE</b>	
Tex. Tax Code § 11.48(a)	Driver’s license number, personal identification certificate number or social security account number provided in application for exemption filed with chief appraiser
Tex. Tax Code § 22.07(e)	Statement provided to chief appraiser from property owner (upon request) containing supporting information indicating how value of personal property used for production of income and having taxable situs in district was determined
Tex. Tax Code § 22.27(a)	Rendition statements, real & personal property

	records, attachments to those statements & reports, other information owner of property provides to appraisal office or Comptroller about property sales price in connection with appraisal of property after promise it will be held confidential
Tex. Tax Code § 23.45(a)	Application for agricultural designation of land filed with chief appraiser
Tex. Tax Code § 23.123(b)	Dealer's Motor Vehicle Inventory Declaration or Dealer's Motor Vehicle Inventory Tax Statement filed with chief appraiser or tax assessor-collector
Tex. Tax Code § 23.126(b)	Dealer's Vessel and Outboard Motor Inventory Declaration or statement filed with chief appraiser or tax assessor-collector
Tex. Tax Code § 25.025(b)	Information in appraisal records if information identifies home address of named individual (current or former peace officer, county jailer, employee of Texas Department of Criminal Justice, commissioned security officer, victim of family violence if actor was convicted of felony or class A misdemeanor, federal judge, state judge or spouse of federal or state judge, current or former employee of district attorney, criminal district attorney or county or municipal attorney whose jurisdiction includes criminal law or child protective services matters, officer or employee of community supervision and corrections department, federal criminal investigator, police officer or inspector of United States Federal Protective Service, current or former United States attorney or assistant United States attorney and spouse or child of attorney and current or former employee of Office of Attorney General who is or was assigned to division of office duties of which involve law enforcement) who chooses to restrict public access to information on form prescribed for that purpose by Comptroller
Tex. Tax Code § 25.026(b)	Information in appraisal records if information identifies address of family violence shelter center, sexual assault program or victims of trafficking shelter center
Tex. Tax Code § 41.415(h)	Electronic mail address provided by property owner to appraisal district that district may use to communicate electronically with property owner in connection with protest
Tex. Tax Code § 111.006(a)	Federal tax return or federal tax return information required to have been submitted to Comptroller with state tax return or report; all information secured, derived or obtained by Comptroller or attorney general during course of examination of taxpayer's books, records, papers, officers or



	employees
Tex. Tax Code § 141.001, art. VIII(6) (Multistate Tax Compact)	Information obtained by any audit performed by Multistate Tax Commission
Tex. Tax Code § 151.027(a), (b)	Information in or derived from record, report or other instrument required to be furnished concerning sales, excise and use taxes (except information set forth in filed lien or issued permit); information secured, derived or obtained during course of examination of taxpayer's books, records, papers, officers or employees, including business affairs, operations, profits, losses and expenditures of taxpayer
Tex. Tax Code § 151.464	Information contained in report required to be filed by persons involved in manufacture and distribution of alcoholic beverages with Comptroller
Tex. Tax Code § 154.042(d)	Plan for achieving compliance (concerning affixing tax stamps on cigarette packages) submitted by distributor to Comptroller
Tex. Tax Code § 154.051(m)	Information provided by distributor to Comptroller as condition for shipping stamps without advance payment consisting of fiscal-year-end financial statement, including balance sheet and income statement verifiable as to accuracy or other financial information acceptable to Comptroller and verifiable as to accuracy and credit report from credit reporting agency acceptable to Comptroller concerning distributor (in connection with Cigarette Tax Recovery Trust Fund)
Tex. Tax Code § 154.101(g)	All financial information provided to Comptroller by distributor, wholesaler, bonded agent, manufacturer, importer or retailer (of cigarettes) applying for applicable permit
Tex. Tax Code § 154.212(d)	Information contained in report required to be filed each month with Comptroller by wholesaler or distributor of cigarettes concerning sales to retailers in Texas
Tex. Tax Code § 155.041(g)	All financial information provided to Comptroller by distributor, wholesaler, bonded agent, manufacturer, importer or retailer (of cigars or tobacco products other than cigarettes) applying for applicable permit
Tex. Tax Code § 155.105(d)	Information contained in report required to be filed each month with Comptroller by wholesaler or distributor of cigars and tobacco products (other than cigarettes) concerning sales to retailers in Texas
Tex. Tax Code § 159.005(a)	Information provided by person in report or return made for purposes of paying Controlled Substances Tax

Tex. Tax Code § 171.206	Information obtained from record or other instrument required to be filed with Comptroller concerning franchise tax; information obtained by examination of books & records, officers, partners, trustees, agents or employees of taxable entity on which franchise tax is imposed
Tex. Tax Code § 201.057(h)	Information regarding drilling and completion costs included in application for exemption or tax reduction concerning high-cost gas submitted to Comptroller
Tex. Tax Code § 313.003	Information provided to taxing unit in connection with application or request for tax abatement that describes specific processes or business activities to be conducted or equipment or other property to be located on property for which tax abatement is sought (until tax abatement agreement is executed)
Tex. Tax Code § 313.028	Information provided to school district in connection with application for limitation on appraised value that describes specific processes or business activities to be conducted or specific tangible personal property to be located on real property covered by application unless governing body of school district approves application
Tex. Tax Code § 321.3022(f)	Information received by municipality or other local governmental entity from Comptroller on request relating to amount of tax paid to municipality or other local governmental entity during preceding or current calendar year by each person doing business in municipality or other governmental entity or in area, as defined by municipality or other local governmental entity, that is part of interlocal agreement, tax abatement agreement, reinvestment zone, tax increment financing district, revenue sharing agreement, enterprise zone, neighborhood empowerment zone, crime control and prevention district, fire control, prevention and emergency medical services district or similar entity or area defined by municipality or other local governmental entity for purpose of economic forecasting, under Municipal Sales and Use Tax Act
Tex. Tax Code § 322.2022(f)	Information received by taxing entity (rapid transit authority, regional transit authority, including subregional transportation authority, municipal mass transit department or coordinated county transportation authority that has adopted sales and use tax) from Comptroller on request relating to amount of tax paid to entity during preceding or current calendar year by each person doing business in area included in entity or in area

	defined by entity that is part of interlocal agreement, revenue sharing agreement, other similar agreement or area defined by entity for purpose of economic forecasting
Tex. Tax Code § 323.3022(g)	Information received by county or other local governmental entity from Comptroller on request relating to amount of tax paid to county or other local governmental entity during preceding or current calendar year by each person doing business in county or other local governmental entity or in area, defined by county or other local governmental entity, that is part of interlocal agreement, tax abatement agreement, reinvestment zone, tax increment financing district, revenue sharing agreement, enterprise zone, similar entity or any area defined by county or other local governmental entity for purpose of economic forecasting, under County Sales and Use Tax Act
<b>TRANSPORTATION CODE</b>	
Tex. Transp. Code § 68.093(b)	Ballot in election by members of Brazos Pilots Association of association's officers (expressly made "secret")
Tex. Transp. Code § 223.204(a)	All or part of proposal submitted by private entity for comprehensive development agreement (concerning certain tolled or non-tolled highway projects) unless private entity consents to disclosure; supplemental information or material submitted by private entity in connection with proposal for comprehensive development agreement unless private entity consents to disclosure; and information created or collected by Department of Transportation or its agent during consideration of proposal for comprehensive development agreement (until final contract for proposed project is entered into; final rankings of each proposal are not confidential)
Tex. Transp. Code § 228.057(e)	Electronic toll collection customer account information, including contact and payment information and trip data
Tex. Transp. Code § 366.033(i)	Results of testing of employees suspected of being in violation of Regional Tollway Authority's drug and alcohol policy (unless disclosure is required by court order or permitted by person who is subject of testing)
Tex. Transp. Code § 366.179(d)	Transponder (device placed on or within automobile capable of transmitting or receiving information used to assess or collect tolls) customer account information, including contact and payment information and trip data (held by Regional Tollway Authority)

Tex. Transp. Code § 366.403(a)	All or part of proposal submitted by private entity for comprehensive development agreement (concerning turnpike projects) unless private entity consents to disclosure; supplemental information or material submitted by private entity in connection with proposal for comprehensive development agreement unless private entity consents to disclosure; and information created or collected by turnpike authority or its agent during consideration of proposal for comprehensive development agreement or during authority's preparation of proposal to Department of Transportation relating to comprehensive development agreement (until final contract for proposed project is entered into; final rankings of each proposal are not confidential)
Tex. Transp. Code § 370.033(h)	Results of testing of employees suspected of being in violation of Regional Mobility Authority's drug and alcohol policy (unless disclosure is required by court order or permitted by person who is subject of testing)
Tex. Transp. Code § 370.178	Transponder customer account information, including contact and payment information and trip data (held by Regional Mobility Authority)
Tex. Transp. Code § 371.052(d)	Before comprehensive development agreement is entered into, financial forecasts and traffic and revenue reports prepared by or for toll project entity for project (on or after date comprehensive development agreement is entered into, financial forecasts and traffic revenue reports are subject to PIA)
Tex. Transp. Code § 451.756(a)(2)	Ballot in election by members of peace officers association on ratification of agreement between metropolitan rapid transit authority and association (for authority in which principal municipality has population of more than 1.5 million) (expressly made "secret")
Tex. Transp. Code § 455.005(c)	Data collected and report of any investigation conducted by Department of Transportation (concerning accidents and unacceptable hazardous conditions at entities operating rail fixed guideway mass transportation systems (unless National Transportation Safety Board has investigated or will investigate)
Tex. Transp. Code § 521.051	Class-type listings from basic driver's license record file of Department of Public Safety
Tex. Transp. Code § 521.060(a)	Record in Department of Public Safety's files of name, address and telephone number of each individual identified by holder of driver's license or personal identification certificate as individual holder authorizes to be contacted in event that

	holder is injured or dies in or as result of vehicular accident or another emergency situation; record of any medical information provided to department or any health condition information voluntarily provided to department
Tex. Transp. Code § 521.126(h)	Electronically readable information derived from driver's license, commercial driver's license or personal identification certificate accessed, used, compiled or maintained in database to secure facility or port if authorized by executive or administrative head of maritime facility or port, port authority or navigation district
Tex. Transp. Code § 521.142(f)	Information supplied to Department of Public Safety relating to medical history of applicant for driver's license
Tex. Transp. Code § 545.3625(a)	Information in custody of Department of Public Safety concerning violation of maximum prima facie speed limit under prior law, but that is not greater than maximum prima facie speed limit for location under current speed restrictions in chapter 545
Tex. Transp. Code § 550.065(b)	Information held by Department of Public Safety or another governmental entity relating to motor vehicle accident report (NOTE: may be released upon payment of fee to law enforcement agency employing officer who investigated accident, court or person who provides at least two of (1) date of accident; (2) specific address or highway or street where accident occurred; or (3) name of any person involved in accident)
Tex. Transp. Code § 550.067(b)	Accident report required by municipality to be filed by operator of vehicle involved in accident if accident results in injury or death of person or apparent total property damage is \$25 or more (subject to provisions of § 550.065)
Tex. Transp. Code § 601.454(c)	Information provided by each insurance company providing motor vehicle liability insurance policies in Texas concerning those policies to allow agent of Texas Department of Insurance to carry out Financial Responsibility Verification Program
Tex. Transp. Code § 644.252(c)	Information maintained by Department of Public Safety provided by employer required to conduct alcohol and drug testing of employee who holds commercial driver's license under federal safety regulations as part of employer's drug testing program or consortium and consisting of valid positive result on alcohol or drug test performed and whether specimen producing result was dilute specimen, refusal to provide specimen for alcohol or drug test or adulterated specimen or substituted

	specimen on alcohol or drug test performed
Tex. Transp. Code § 681.003(d)	Information concerning name or address of person to whom disabled parking placard is issued or in whose behalf disabled parking placard is issued by Department of Motor Vehicles
<b>UTILITIES CODE</b>	
Tex. Util. Code § 14.154(b)	Record obtained by Public Utility Commission relating to sale of electrical energy at wholesale by affiliate to public utility
Tex. Util. Code § 32.101(c)	Customer names and addresses, prices, individual customer contract and expected load and usage data within tariff of electric utility filed with Public Utility Commission (expressly made “highly sensitive trade secrets”)
Tex. Util. Code § 52.207(b)	Information contained in report from holder of certificate of operating authority or service provider certificate or operating authority to Public Utility Commission that is claimed to be confidential for competitive purposes
Tex. Util. Code § 55.106(e)	Information received by Public Utility Commission or provider of caller identification service concerning required offer of free per-line blocking to particular customer if commission receives from customer written certification that customer has compelling need for per-line blocking
Tex. Util. Code § 65.004(b)	Information collected and compiled by Public Utilities Commission from telecommunications providers for implementation and enforcement of provisions concerning regulation, deregulation or reregulation of certain markets
Tex. Util. Code § 66.011(a)(2)	Any maps or records of location of communications network received by municipality from holder of state-issued certificate of franchise authority
Tex. Util. Code § 182.052(a)	If customer requests confidentiality, personal information in customer’s account record or any information relating to volume or units of utility usage or amounts billed to or collected from individual for utility usage by government-operated utility (utility may disclose information related to customer’s volume or units of utility usage or amounts billed to or collected from individual for utility usage if primary source of water for utility was sole-source designated aquifer)
<b>WATER CODE</b>	
Tex. Water Code § 5.175(c)	Records, reports, data or other information, other than effluent data, shown to satisfaction of Executive Director of Commission on Environmental Quality, which would divulge methods or processes entitled to protection as trade

	secrets
Tex. Water Code § 13.1395(l)	Information provided to Commission on Environmental Quality by affected utility (retail public utility, exempt utility or provider or conveyer of potable or raw water service that furnishes water service to more than one customer in county with population of 3.3 million or more or county with population of 550,000 or more adjacent to county with population of 3.3 million or more) concerning utility's emergency preparedness plan
Tex. Water Code § 16.012(n)	Information collected through field investigations on landowner's property by Executive Administrator of Water Development Board after Sept. 1, 2003, solely for use in development of groundwater availability models that reveals site-specific information about such landowner (may not be disclosed to any person outside board if landowner on whose land information is collected has requested in writing that information be deemed confidential)
Tex. Water Code § 60.405(e)	Information in proposals provided to navigation district in response to request for proposals identified as trade secret or confidential
Tex. Water Code § 60.556(a)	Whether employee of navigation district has authorized deduction from compensation for contribution to charitable organization, amount of deduction and name of federation, fund or charitable organization that district employee has designated to receive contributions (unless authorized in writing by employee)
Tex. Water Code § 67.007(c)	Ballots from members or shareholders of water supply or sewer service corporation (until after date of relevant election)
<b>REVISED CIVIL STATUTES</b>	
Tex. Rev. Civ. Stat. art. 179e, § 2.15	Contents of investigatory files of Texas Racing Commission
Tex. Rev. Civ. Stat. art. 179e, § 2.16(a)	Files, records, information, compilations, documents, photographs, reports, summaries and review of information and related matters collected, retained or compiled by Department of Public Safety in discharge of its duties under Texas Racing Act (information is subject to discovery by person that is subject of information)
Tex. Rev. Civ. Stat. art. 581-13-1(E)	Information obtained by Securities Commissioner through inspection of registered dealer or registered investment adviser, inspection of books and records, any intra-agency or interagency notes, memoranda, reports or other communications consisting of advice, analyses, opinions or

	recommendations made in connection with inspection
Tex. Rev. Civ. Stat. art. 581-20(B)	Any intraagency or interagency notes, memoranda, reports or other communications consisting of advice, analyses, opinions or recommendations (held by Securities Commissioner)
Tex. Rev. Civ. Stat. art. 4447cc, § 6(d)	Environmental or health and safety audit report or any information generated by environmental or health and safety audit if disclosure is made under claim of confidentiality to governmental official or agency by person for whom audit report was prepared or by owner or operator
Tex. Rev. Civ. Stat. art. 6243e, § 32(a)	Information contained in records that are in custody of firefighters retirement system concerning individual member, retiree, annuitant or beneficiary (may not be disclosed in form identifiable with specific individual) (NOTE: may be disclosed to individual, individual's agent or personal representative, individual's spouse or former spouse, person authorized by individual in writing to receive information or under authorization of board of trustees that specifies reason for disclosure)
Tex. Rev. Civ. Stat. art. 6243e.1, § 2.13(a)	Information contained in records in custody of firefighters relief and retirement fund (for municipality having population of more than 750,000 and less than 850,000) concerning an individual member, retiree, annuitant or beneficiary (may not be disclosed in form identifiable with specific individual) (NOTE: may be disclosed to individual, individual's agent or personal representative, individual's spouse or former spouse, governmental official or employee if disclosure is reasonably necessary to performance of duties of official, employee or persona authorized by individual in writing to receive information or pursuant to subpoena if fund administrator determines individual will have reasonable opportunity to contest subpoena)
Tex. Rev. Civ. Stat. art. 6243e.2(1), § 10(2)	Ballot in vote by participating members of firefighters' relief and retirement fund to increase benefits (expressly made "secret")
Tex. Rev. Civ. Stat. art. 6243g-4, § 29(a)	Information contained in record that is in custody of police officers pension system (for city having population of 1.5 million or more) concerning individual member, retiree, survivor or beneficiary (may not be disclosed in form that identifies specific information) (NOTE: may be disclosed to individual,



	individual's attorney, guardian, executor, administrator or conservator or person who has written authorization from individual to receive information)
Tex. Rev. Civ. Stat. art. 6243h, § 26(a)	Records that are in custody of municipal pension system (for city having population of more than 1.5 million) concerning individual member, deferred participant, retiree, eligible survivor, beneficiary or alternate payee (may not be disclosed in form identifiable to specific individual) (NOTE: may be disclosed to individual or individual's personal representative or agent, individual's spouse or former spouse, governmental official or employee if fund's executive director determines disclosure of information requested is reasonably necessary to performance of duties of official or employee, person authorized by individual in writing to receive information or under subpoena if executive director determines individual will have reasonable opportunity to contest subpoena)
Tex. Rev. Civ. Stat. art. 6243i, § 5.07(c)	Ballot in special election by participating members of single unitary public retirement system established by municipal ordinance for employees of municipality with population of 500,000 or more on amendment to administrative rules governing municipal contributions, including amendment to rate or manner of making contributions (expressly made "secret")
Tex. Rev. Civ. Stat. art. 6243n, § 13(a)	Information contained in records of retirement board or municipal retirement system (for municipality having population of more than 760,000 and less than 860,000) concerning individual member, retiree, annuitant, beneficiary or alternate payee (may not be disclosed in form identifiable with specific individual) (NOTE: may be disclosed to individual or individual's personal representative or agent, individual's spouse or former spouse, governmental official or employee if pension director determines disclosure of information requested is reasonably necessary to performance of duties of official or employee, individual's employer, person authorized by individual in writing to receive information or under subpoena if pension director determines individual will have reasonable opportunity to contest subpoena)
Tex. Rev. Civ. Stat. art. 6243n-1, § 3.14(a)	Information contained in records that are in custody of police retirement system (for municipality having population of more than 750,000 and less

	<p>than 850,000) concerning individual member, retiree, annuitant or beneficiary (may not be disclosed in form identifiable with specific individual)</p> <p>(NOTE: may be disclosed to individual or individual's personal representative or agent, individual's spouse or former spouse, governmental official or employee if administrator determines disclosure of information requested is reasonably necessary to performance of duties of official or employee, person authorized by individual in writing to receive information or under subpoena if administrator determines individual will have reasonable opportunity to contest subpoena)</p>
<p>Tex. Rev. Civ. Stat. art. 6243q, § 3.01(i)</p>	<p>Information contained in record that is in custody of firefighter's and police officer's retiree health care fund (for municipality with population of 1.3 million or more but less than 1.5 million) concerning member, former member, retiree, deceased retiree, beneficiary or alternate payee (may not be disclosed in form that identifies specific individual)</p> <p>(NOTE: may be disclosed to individual, individual's spouse, personal representative or agent, person authorized by individual in writing to receive information, government official or employee seeking information in order to perform duties of official or employee or under subpoena)</p>