

Laura Prather Discusses Public Information Legislation in Austin Bulldog

November 11, 2021 | Laura Prather

PRACTICES Media and Entertainment Litigation

Haynes Boone Partner [Laura Prather](#) was featured in an article in *The Austin Bulldog* discussing the Texas Legislature's deliberation of various public information laws. Laura is head of the firm's Media Law Practice Group.

Below is an excerpt of the article:

Advocates who pushed for changes to Texas's public information laws at the legislature this year are celebrating a handful of wins but fell short on some of their agenda.

Two new transparency laws took effect Sept. 1, the fruit of a bipartisan effort: Senate Bill 930 by state Senator Judith Zaffirini (D-Laredo), which ensures that families of nursing home residents have access to information about outbreaks of communicable diseases within the facilities; and Senate Bill 1225 by Senator Joan Huffman (R-Houston), which tightens the catastrophe exception in Texas Public Information Act.

But at least seven other bills called for by journalists, media lawyers, and other stakeholders fell short, including House Bill 2383, which would have closed the "dead suspect loophole," and House Bill 1810, which would have allowed the public to receive data in a sortable format, such as Excel—a change that would be particularly beneficial to data journalists.

Information on Outbreaks

Open government advocates gathered Sept. 24 at the annual conference of the Freedom of Information Foundation of Texas, where they discussed the limited successes of the legislative session. Representative Joe Moody (D-El Paso) and Land Commissioner George P. Bush, who is running for Attorney General, also addressed the conference.

The final vote on the bill [SB 930] was 142-1 in the House and 30-0 in the Senate. "We had tremendous supporters on this," said attorney Laura Prather, a board member of FOIFT and head of media law practice at Haynes Boone. "I think people saw the need and wanted to rectify the problem. I only wish we could have done it for the jail system as well."

Remote Working

Advocates also won unanimous support for SB 1225, which deals with the circumstances under which government bodies can claim a catastrophe exemption to the Public Information Act. The legislature had tweaked the law after Hurricane Harvey to give governments some breathing room after a disaster, in case staff were displaced or an office flooded, for example.

"You can see how that would make sense under the circumstances of a Hurricane Harvey situation," Prather noted.

However, “What happened when COVID hit is tons of different organizations put in catastrophe notices with the AG’s office and then just renewed them and renewed them and renewed them, which is never what the law was intended to do,” Prather said. “Organizations were taking advantage of the system.”

Redactions of Information

Open government advocates celebrated not just the passage of these two bills but the defeat of another, SB 1492, which dealt with redactions from public information requests and the process by which a local government or state agency can black out requested information.

Prather said there were other ways to accomplish what the bill was trying to do.

“The motivation for that bill was to address the workload at the AG’s office. And the way we saw that was then you need to address the bad actors, you need to address those governmental entities that are taking advantage of the system and kicking everything up to the AG’s office every single time they can and really inundating that office with so much unnecessary work. That is the core of the problem. Not the requestor.”

To read the full article, click [here](#). Also listen to a recent [HB Media Minute podcast](#) in which Laura provides a legislative update on the topic.