

AN ACT

relating to the disclosure of information collected by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, or coordinated county transportation authority under the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 451.061, Transportation Code, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) Except as provided by Subsection (g), personal ~~Personal~~ identifying information collected by an authority is confidential and not subject to disclosure under Chapter 552, Government Code, including a person's:

(1) name, address, e-mail address, and phone number;

(2) account number, password, payment transaction activity, toll or charge record, or credit, debit, or other payment card number; ~~and~~

(3) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and

(4) other personal ~~financial~~ information, including financial information.

(g) Personal identifying information described by Subsection (f)(3) may be disclosed to a governmental agency or

1 institution of higher education, as defined by Section 61.003,
2 Education Code, by an authority if the requestor confirms in
3 writing that the use of the information will be strictly limited to
4 use in research or in producing statistical reports, but only if the
5 information is not published, redisclosed, sold, or used to contact
6 any individual.

7 SECTION 2. Section 452.061, Transportation Code, is amended
8 by amending Subsection (e) and adding Subsection (f) to read as
9 follows:

10 (e) Except as provided by Subsection (f), personal
11 ~~[Personal]~~ identifying information collected by an authority is
12 confidential and not subject to disclosure under Chapter 552,
13 Government Code, including a person's:

14 (1) name, address, e-mail address, and phone number;
15 (2) account number, password, payment transaction
16 activity, toll or charge record, or credit, debit, or other payment
17 card number; ~~and~~

18 (3) trip data, including the time, date, origin, and
19 destination of a trip, and demographic information collected when
20 the person purchases a ticket or schedules a trip; and

21 (4) other personal ~~[financial]~~ information, including
22 financial information.

23 (f) Personal identifying information described by
24 Subsection (e)(3) may be disclosed to a governmental agency or
25 institution of higher education, as defined by Section 61.003,
26 Education Code, by an authority if the requestor confirms in
27 writing that the use of the information will be strictly limited to

1 use in research or in producing statistical reports, but only if the
2 information is not published, redisclosed, sold, or used to contact
3 any individual.

4 SECTION 3. Section 453.104, Transportation Code, is amended
5 to read as follows:

6 Sec. 453.104. FARES AND OTHER CHARGES. (a) The board
7 shall, after a public hearing, impose reasonable and
8 nondiscriminatory fares, tolls, charges, rents, or other
9 compensation for the use of the transit department system
10 sufficient to produce revenue, together with receipts from taxes
11 imposed by the transit department, in an amount adequate to:

12 (1) pay all the expenses necessary to operate and
13 maintain the transit department system;

14 (2) pay when due the principal of and interest on, and
15 sinking fund and reserve fund payments agreed to be made with
16 respect to, all bonds that are issued by the board and payable in
17 whole or part from the revenue; and

18 (3) fulfill the terms of any other agreement with the
19 holders of bonds described by Subdivision (2) or with a person
20 acting on behalf of the bondholders.

21 (b) Except as provided by Subsection (c), personal
22 identifying information collected by a transit department is
23 confidential and not subject to disclosure under Chapter 552,
24 Government Code, including a person's:

25 (1) name, address, e-mail address, and phone number;

26 (2) account number, password, payment transaction
27 activity, toll or charge record, or credit, debit, or other payment

1 card number;

2 (3) trip data, including the time, date, origin, and
3 destination of a trip, and demographic information collected when
4 the person purchases a ticket or schedules a trip; and

5 (4) other personal information, including financial
6 information.

7 (c) Personal identifying information described by
8 Subsection (b)(3) may be disclosed to a governmental agency or
9 institution of higher education, as defined by Section 61.003,
10 Education Code, by a transit department if the requestor confirms
11 in writing that the use of the information will be strictly limited
12 to use in research or in producing statistical reports, but only if
13 the information is not published, redisclosed, sold, or used to
14 contact any individual.

15 SECTION 4. Section 460.109, Transportation Code, is amended
16 by amending Subsection (e) and adding Subsection (f) to read as
17 follows:

18 (e) Except as provided by Subsection (f), personal
19 ~~[Personal]~~ identifying information collected by an authority is
20 confidential and not subject to disclosure under Chapter 552,
21 Government Code, including a person's:

22 (1) name, address, e-mail address, and phone number;

23 (2) account number, password, payment transaction
24 activity, toll or charge record, or credit, debit, or other payment
25 card number; ~~and~~

26 (3) trip data, including the time, date, origin, and
27 destination of a trip, and demographic information collected when

1 the person purchases a ticket or schedules a trip; and
2 (4) other personal [~~financial~~] information, including
3 financial information.

4 (f) Personal identifying information described by
5 Subsection (e)(3) may be disclosed to a governmental agency or
6 institution of higher education, as defined by Section 61.003,
7 Education Code, by an authority if the requestor confirms in
8 writing that the use of the information will be strictly limited to
9 use in research or in producing statistical reports, but only if the
10 information is not published, redisclosed, sold, or used to contact
11 any individual.

12 SECTION 5. The changes in law made by this Act apply only to
13 a request for information that is received by a regional
14 transportation authority, metropolitan rapid transit authority,
15 municipal transit department, or coordinated county transportation
16 authority on or after the effective date of this Act. A request for
17 information that was received before the effective date of this Act
18 is governed by the law in effect on the date the request was
19 received, and the former law is continued in effect for that
20 purpose.

21 SECTION 6. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.

S.B. No. 858

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 858 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 858 passed the House on May 11, 2021, by the following vote: Yeas 120, Nays 23, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor