

BILL ANALYSIS

C.S.H.B. 1015
By: Miller
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, state agencies and governmental entities are authorized to disclose an individual's social security number to anyone who requests it, unless the individual falls within certain categories for which the social security number is excepted from disclosure (e.g., government employees, peace officers, crime victims, etc.). Identity theft is one of the fastest growing crimes in the nation, and often all that an individual needs in order to perpetrate identity theft is the victim's name, date of birth, and social security number. Without a change in the law, individuals are at higher risk of having their identity stolen. The purpose of C.S.H.B. 1015 is to prohibit the disclosure of a person's social security number to a member of the public by a governmental entity under certain circumstances without that person's written consent.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1015 adds Section 552.140 of the Government Code to prohibit a governmental body from disclosing a person's social security number to a member of the public in certain circumstances without that person's written consent. The consent must be given on a clear and understandable form that the attorney general is required to prescribe for that purpose. The bill provides that if the consent form is part of a larger document, the consent form must be a separate page of the larger document and the person's signature must appear on that page.

The bill does not prohibit the disclosure of a person's social security number without the person's consent:

- to a federal, state, or local governmental entity for a legitimate governmental purpose;
- by a local governmental body if the social security number was contained in information that was created, assembled, or first maintained by or for the local governmental body before September 1, 2003, and the disclosure of the number is not otherwise prohibited by law;
- to a private vendor as necessary to allow the vendor to perform a service for a governmental body under a contract with the governmental body (the vendor likewise may only disclose the number as necessary for this purpose);
- in connection with the collection of delinquent child support payments; and
- if the person whose social security number is disclosed has been convicted of a felony, and the disclosure is relevant to establishing the person's identity.

The bill also amends Section 552.024 of the Government Code (Electing to Disclose Address and Telephone Number) to provide that Subsection (d) of that section does not authorize the release of a person's social security number to the extent it is protected from disclosure under proposed Section 552.140 or other law.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1015 adds four additional exceptions to the prohibition against the disclosure of a person's social security number which are described in proposed Section 552.140(b) of the Government Code. Unlike the original, the substitute does not remove references to a social security number from various other sections of the Public Information Act. The substitute adds language which amends Section 552.024 of the Government Code as described above.

BILL ANALYSIS

C.S.H.B. 1015
By: Miller
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, state agencies and governmental entities are authorized to disclose an individual's social security number to anyone who requests it, unless the individual falls within certain categories for which the social security number is excepted from disclosure (e.g., government employees, peace officers, crime victims, etc.). Identity theft is one of the fastest growing crimes in the nation, and often all that an individual needs in order to perpetrate identity theft is the victim's name, date of birth, and social security number. Without a change in the law, individuals are at higher risk of having their identity stolen. The purpose of C.S.H.B. 1015 is to prohibit the disclosure of a person's social security number to a member of the public by a governmental entity under certain circumstances without that person's written consent.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1015 adds Section 552.140 of the Government Code to prohibit a governmental body from disclosing a person's social security number to a member of the public in certain circumstances without that person's written consent. The consent must be given on a clear and understandable form that the attorney general is required to prescribe for that purpose. The bill provides that if the consent form is part of a larger document, the consent form must be a separate page of the larger document and the person's signature must appear on that page.

The bill does not prohibit the disclosure of a person's social security number without the person's consent:

- to a federal, state, or local governmental entity for a legitimate governmental purpose;
- by a local governmental body if the social security number was contained in information that was created, assembled, or first maintained by or for the local governmental body before September 1, 2003, and the disclosure of the number is not otherwise prohibited by law;
- to a private vendor as necessary to allow the vendor to perform a service for a governmental body under a contract with the governmental body (the vendor likewise may only disclose the number as necessary for this purpose);
- in connection with the collection of delinquent child support payments; and
- if the person whose social security number is disclosed has been convicted of a felony, and the disclosure is relevant to establishing the person's identity.

The bill also amends Section 552.024 of the Government Code (Electing to Disclose Address and Telephone Number) to provide that Subsection (d) of that section does not authorize the release of a person's social security number to the extent it is protected from disclosure under proposed Section 552.140 or other law.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1015 adds four additional exceptions to the prohibition against the disclosure of a person's social security number which are described in proposed Section 552.140(b) of the Government Code. Unlike the original, the substitute does not remove references to a social security number from various other sections of the Public Information Act. The substitute adds language which amends Section 552.024 of the Government Code as described above.