

BILL ANALYSIS

H.B. 2191
By: Wong
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

House Bill 2191 proposes revising the Public Information Act by providing for an exception from disclosure the social security number of a living person without first seeking a decision from the attorney general.

Current law excepts from public disclosure information that is considered confidential by law or judicial decision (552.101, Government Code). Texas Attorney General Opinion OR2004-1475 states that “a social security number is confidential under section 552.101 in conjunction with 1990 amendments to the federal Social Security Act, 42 U.S.C. §405(c)(2)(C)(viii)(I), if a governmental body obtained or maintains the social security number under any provision of law enacted on or after October 1, 1990.” Furthermore, Section 552.352(a-1)(1), Government Code, provides that an officer or employee of a governmental body commits an offense if the officer or employee knowingly discloses confidential information to a person who is not authorized to receive the information. However, Section 552.353 provides that an officer or employee of a governmental body commits an offense if the officer or employee fails or refuses to give access to or provide copies of public information without relying on a court order or requesting a decision from the attorney general. House bill 2191 will reconcile these two statutes with regard to social security numbers by exempting them from the Public Information Act.

RULEMAKING AUTHORITY

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

ANALYSIS

Amends Chapter 552, Government Code, by adding section 552.147 which excepts social security numbers from the Public Information Act, permitting a governmental body to redact the social security number of a living person from information the governmental body discloses without first seeking a decision from the attorney general.

EFFECTIVE DATE

Upon passage or September 1, 2005