

By: Hughes

H.B. No. 3142

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the standards for the collection, retention and
3 dissemination of government video and audio surveillance
4 information.

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

6 SECTION 1. SHORT TITLE. This act may be cited as the
7 Government Surveillance Privacy Protection Act.

8 SECTION 2. Subtitle A, Title 5, Government Code, is amended
9 by adding Chapter 561 to read as follows:

10 CHAPTER 561. GOVERNMENT SURVEILLANCE PRIVACY STANDARDS

11 Sec. 561.001. DEFINITIONS. (a) In this chapter,
12 "governmental body" shall be defined in accordance with Section
13 552.003.

14 (b) "surveillance information" means information
15 describing surveillance systems that are used to monitor the
16 general public and information created by such systems.

17 Sec. 561.002. RIGHT TO BE INFORMED ABOUT INFORMATION
18 COLLECTED. It is the policy of the state that an individual is
19 entitled to be informed about information that a governmental body
20 collects about the individual unless the governmental body is
21 allowed to withhold the information from the individual under
22 Section 552.023.

23 (a) Notwithstanding 552.023, a person who has been
24 subjected to or believes they have been subjected to generalized

1 audio or video surveillance unrelated to investigation of a
2 specific crime for which they are a suspect is entitled to
3 information about the surveillance system, its technical
4 capabilities, and a copy of all portions of any records containing
5 their image or conversation. At a minimum, such a person may ask
6 for and receive:

7 (1) the contact information of the supervisor of any
8 government employee or contact employee that observes the cameras
9 in real time;

10 (2) the name of any private contractor responsible for
11 monitoring surveillance system information; and

12 (3) a copy of the portion of any video or audio tape
13 containing their image or voice and a copy of any transcript created
14 from the audio or video tape. The governmental body may charge
15 reasonable fees associated with providing this information.

16 (b) Any member of the general public may ask for and
17 receive:

18 (1) a description of the governmental body's
19 procedures to prevent voyeurism, monitoring of individuals without
20 reasonable suspicion, racial profiling and personal use of
21 information for non-security related purposes;

22 (2) a description of the whether the cameras possess
23 infrared, heat-detection or other invasive capabilities, whether
24 the system makes audio or visual recordings, and whether
25 governmental body processes images into a database of biometric or
26 other data to identify individuals;

27 (3) a description of the complaint process for any

1 person who wishes to file a complaint related to inappropriate use
2 of surveillance systems;

3 (4) a description of the training provided to
4 surveillance system operators to assure best practices; and

5 (5) the report of any audit conducted to assure the
6 public that surveillance systems comply with this chapter.

7 Section 561.003. RIGHT TO CORRECTION OF INCORRECT
8 INFORMATION. Each governmental body shall establish a reasonable
9 procedure under which an individual is entitled to have the
10 governmental body correct information about the individual
11 collected through an audio or video surveillance system that is
12 possessed by the governmental body and that is incorrect. The
13 procedure may not unduly burden an individual using the procedure.
14 The governmental body may not charge the individual to correct
15 information about the individual.

16 Section 561.004. STANDARDS FOR THE COLLECTION AND RETENTION
17 OF AUDIO AND VIDEO SURVEILLANCE INFORMATION. (a) Each
18 governmental body shall establish reasonable standards for the
19 collection, retention and dissemination of audio and video
20 surveillance records. At a minimum such standards shall:

21 (1) limit the retention of surveillance records to
22 thirty days unless they are retained for longer periods in
23 accordance with other law or relate to an ongoing criminal
24 investigation;

25 (2) prohibit the use of invasive surveillance
26 technologies that create an image of the human body underneath a
27 person's clothing;

1 (3) prohibit placement of cameras in restrooms, locker
2 rooms or other spaces where individuals may partially or fully
3 disrobe;

4 (4) prohibit the use of external cameras to view and
5 records interior locations;

6 (5) mandate training of all government employees who
7 would be reasonably be expected to have access to surveillance
8 equipment and employees under contract with the government in
9 surveillance best practices, including practices to prevent the
10 discriminatory targeting of individuals based on race, gender,
11 ethnicity, or religious affiliation, voyeurism, and personal use of
12 surveillance information;

13 (7) establish an audit system to verify system
14 compliance with this chapter including creation of a public audit
15 report; and

16 (4) provide notice to the public that most images
17 collected through video surveillance can be distributed to the
18 general public.

19 (b) A notice of the public's rights with respect to
20 surveillance information shall be posted in the Internet and in all
21 locations where members of the general public conduct business with
22 the governmental body.

23 SECTION 3. REPEALER. Subchapter H, Chapter 418, Government
24 Code Section 418.182 is repealed.

25 SECTION 4. The Department of Public Safety shall provide
26 local and state governmental bodies with best practices for the
27 conduct of audio and video surveillance in compliance with this

1 Chapter, and shall develop rules for the interpretation of these
2 standards with appropriate public comment pursuant to Chapter 2001,
3 Government Code.

4 SECTION 5. This Act takes effect January 1, 2006.