

A BILL TO BE ENTITLED

AN ACT

relating to the removal of data from data processing equipment disposed of or transferred by state agencies.

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

SECTION 1. Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.130 to read as follows:

Sec. 2054.130. REMOVAL OF DATA FROM DATA PROCESSING EQUIPMENT; RULES. (a) A state agency shall permanently remove data from data processing equipment before disposing of or otherwise transferring the equipment to a person who is not a state agency or other agent of the state. This section applies only to equipment that will not be owned by the state after the disposal or other transfer.

(b) The department shall adopt rules to implement this section. The rules must include rules that:

(1) specify what types of data processing equipment are covered by this section, including computer hard drives and other memory components;

(2) explain the acceptable methods for removal of data; and

(3) adopt appropriate forms for use by state agencies in documenting the removal process, including forms for documenting completion of the process.

SECTION 2. Not later than March 1, 2006, the Department of

1 Information Resources shall adopt the rules required by Section
2 2054.130, Government Code, as added by this Act. A state agency is
3 not required to comply with Section 2054.130, Government Code,
4 until the department adopts the rules.

5 SECTION 3. This Act takes effect September 1, 2005.