

1-1 By: Carona S.B. No. 255
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Government
1-4 Organization; February 24, 2005, rereferred to Subcommittee on
1-5 Emerging Technologies and Economic Development; March 14, 2005,
1-6 reported favorably to Committee on Business and Commerce;
1-7 March 31, 2005, reported favorably from Committee on Business and
1-8 Commerce by the following vote: Yeas 9, Nays 0; March 31, 2005,
1-9 sent to printer.)

1-10 A BILL TO BE ENTITLED
1-11 AN ACT

1-12 relating to the removal of data from data processing equipment
1-13 disposed of or transferred by state agencies.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter F, Chapter 2054, Government Code, is
1-16 amended by adding Section 2054.130 to read as follows:

1-17 Sec. 2054.130. REMOVAL OF DATA FROM DATA PROCESSING
1-18 EQUIPMENT; RULES. (a) A state agency shall permanently remove
1-19 data from data processing equipment before disposing of or
1-20 otherwise transferring the equipment to a person who is not a state
1-21 agency or other agent of the state. This section applies only to
1-22 equipment that will not be owned by the state after the disposal or
1-23 other transfer.

1-24 (b) The department shall adopt rules to implement this
1-25 section. The rules must include rules that:

1-26 (1) specify what types of data processing equipment
1-27 are covered by this section, including computer hard drives and
1-28 other memory components;

1-29 (2) explain the acceptable methods for removal of
1-30 data; and

1-31 (3) adopt appropriate forms for use by state agencies
1-32 in documenting the removal process, including forms for documenting
1-33 completion of the process.

1-34 SECTION 2. Not later than March 1, 2006, the Department of
1-35 Information Resources shall adopt the rules required by Section
1-36 2054.130, Government Code, as added by this Act. A state agency is
1-37 not required to comply with Section 2054.130, Government Code,
1-38 until the department adopts the rules.

1-39 SECTION 3. This Act takes effect September 1, 2005.

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