

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 28, 2005**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Tom Craddick, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB698** by McCall (Relating to the disposal of certain business records that contain personal identifying information; providing a civil penalty. ), **Conference Committee Report**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 35, Section 35.48, Business & Commerce Code. Section 35.48 provides for the disposal of business records that contain personal identifying information as defined by this section. A business that does not properly dispose of a business record that contains personal identifying information of a customer is liable for a civil penalty of up to \$500 for each record. A business that modifies a record in good faith is not liable for a civil penalty. The Attorney General would have authority to bring suit against the business to recover a civil penalty, obtain any other remedy, including injunctive relief, as well as costs and attorney's fees.

The bill would take effect on September 1, 2005.

Implementation of the bill could result in new complaints, investigations or other cases by the OAG, however, it is assumed that any projected increase in these activities could be absorbed within current resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JOB, SD, JRO, MS