

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 20, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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 \$1,000 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