

BILL ANALYSIS

C.S.H.B. 2061
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Energy Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recently, Texas Attorney General Greg Abbott issued an opinion that requires the state's county clerks to redact social security numbers from documents subject to public information laws, including information made available on the Internet. The opinion also concludes that distributing such confidential information is a criminal offense.

While removal of social security numbers from public documents is an important privacy concern, state and county officials say it could cost taxpayers hundreds of millions of dollars and take several years to comply with the law. Furthermore, the opinion could make the state's county clerks and some other county officials liable to arrest and jail if they are unable to immediately strip out the information. In response to the ruling, some county clerk offices have shut down public access to some records, while others have blocked access to online records.

This bill amends the Government Code to state that a county clerk or district clerk is not liable for the disclosure, in the ordinary course of business, of a social security number contained in information held by the county or district clerk. However, the county or district clerk shall establish a procedure for the redaction of a social security number in information held by the clerk, including information available on an Internet website maintained by or controlled by the clerk upon written request by that individual or that person's authorized representative.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends the Government Code, to state that the social security number of a living person is not confidential under the Public Information Act.

This bill provides that notwithstanding any other law, a county or district clerk may disclose in the ordinary course of business a social security number that is contained in information held by the clerk's office, and that disclosure is not official misconduct and does not subject the clerk to civil or criminal liability of any kind.

This bill provides that a county or district clerk shall establish a procedure under which the social security number of a living person that is contained in information held by the clerk, including information available on the Internet website maintained by or under the control of the clerk, shall be redacted within a reasonable time by the clerk upon receiving a written request from the living person or that person's authorized representative that identifies the specific document or documents from which the number shall be redacted.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill repealed Section 552.147, Government Code, which excepts the social security number of a living person from the requirements of Section 552.021 and authorizes a governmental body to redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the Attorney General under Subchapter G. Whereas, the substitute amends Section 552.147 to provide that the social security number of the living person is not confidential under the Public Information Act, and provides that a county or district clerk is not subject to civil or criminal liability for the disclosure, in the ordinary course of business, of a social security number contained in information held by the clerk's office. The substitute also states that the county or district clerk shall establish a procedure for the redaction of a social security number in information held by the clerk, including information available on an Internet website maintained by or controlled by the clerk upon written request by that individual or that person's authorized representative. The substitute also changes the effective date from immediate effect or September 1, 2007, to immediate effect or on the 91st day after the last day of the legislative session.