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H.B. No. 2061

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the acquisition or disclosure of the social security
3 number of a living person by a governmental body, including by a
4 district or county clerk.

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

6 SECTION 1. Section 552.147, Government Code, is amended to
7 read as follows:

8 Sec. 552.147. [~~EXCEPTION.~~] SOCIAL SECURITY NUMBERS [~~NUMBER~~
9 ~~OF LIVING PERSON~~]. (a) The social security number of a living
10 person is excepted from the requirements of Section 552.021, but is
11 not confidential under this section and this section does not make
12 the social security number of a living person confidential under
13 another provision of this chapter or other law.

14 (b) A governmental body may redact the social security
15 number of a living person from any information the governmental
16 body discloses under Section 552.021 without the necessity of
17 requesting a decision from the attorney general under Subchapter G.

18 (c) Notwithstanding any other law, a county or district
19 clerk may disclose in the ordinary course of business a social
20 security number that is contained in information held by the
21 clerk's office, and that disclosure is not official misconduct and
22 does not subject the clerk to civil or criminal liability of any
23 kind under the law of this state, including any claim for damages in
24 a lawsuit or the criminal penalty imposed by Section 552.352.

1 (d) Unless another law requires a social security number to
2 be maintained in a government document, on written request from an
3 individual or the individual's representative the clerk shall
4 redact within a reasonable amount of time all but the last four
5 digits of the individual's social security number from information
6 maintained in the clerk's official public records, including
7 electronically stored information maintained by or under the
8 control of the clerk. The individual or the individual's
9 representative must identify, using a form provided by the clerk,
10 the specific document or documents from which the partial social
11 security number shall be redacted.

12 SECTION 2. Section 11.008, Property Code, is amended to
13 read as follows:

14 Sec. 11.008. PERSONAL [~~CONFIDENTIAL~~] INFORMATION IN REAL
15 PROPERTY RECORDS. (a) In this section, "instrument" means a deed
16 or deed of trust.

17 (b) An instrument submitted for recording is not required to
18 contain an individual's social security number, and the social
19 security number of an individual is not obtained or maintained by
20 the clerk under this section. The preparer of a document may not
21 include an individual's social security number in a document that
22 is presented for recording in the office of the county clerk.

23 (c) Notwithstanding Section 191.007(c), Local Government
24 Code, an instrument transferring an interest in real property to or
25 from an individual [~~and disclosing that individual's social~~
26 ~~security number or driver's license number~~] must include a notice
27 that appears on the top of the first page of the instrument in

1 12-point boldfaced type or 12-point uppercase letters and reads
2 substantially as follows:

3 NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL
4 PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING
5 INFORMATION FROM ANY [THIS] INSTRUMENT THAT TRANSFERS AN INTEREST
6 IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC
7 RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE
8 NUMBER.

9 (d) [~~(c)~~] The validity of an instrument as between the
10 parties to the instrument and the notice provided by the instrument
11 are not affected by a party's failure to include the notice required
12 under Subsection (c) [~~(b)~~].

13 (e) [~~(d)~~] The county clerk may not under any circumstance
14 reject an instrument presented for recording solely because the
15 instrument fails to comply with this section. Other than the duty
16 to redact an individual's social security number as required by
17 Section 552.147, Government Code, the county clerk has no duty to
18 ensure that an instrument presented for recording does not contain
19 an individual's social security number.

20 (f) [~~(e)~~] The county clerk shall post a notice in the county
21 clerk's office stating that instruments recorded in the real
22 property or official public records or the equivalent of the real
23 property or official public records of the county:

24 (1) are not required to contain a social security
25 number or driver's license number; and

26 (2) are public records available for review by the
27 public.

1 (g) [~~(f)~~] All instruments described by this section are
2 subject to inspection by the public. The county clerk is not
3 criminally or civilly liable for disclosing an instrument or
4 information in an instrument in compliance with the public
5 information law (Chapter 552, Government Code) or another law.

6 (h) [~~(g)~~] Unless this section is cited in a law enacted
7 after September 1, 2003, this section is the exclusive law
8 governing the confidentiality of personal information contained in
9 the real property or official public records or the equivalent of
10 the real property or official public records of a county.

11 (i) [~~(h)~~] To the extent that federal law conflicts with this
12 section, an instrument must contain the information required by and
13 must be filed in a manner that complies with federal law.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.