

By: Morrison

H.B. No. 3825

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to unemployment compensation information confidentiality,  
3 and providing penalties.

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

5 SECTION 1. Section 301.081, Subchapter F, Chapter 301,  
6 Labor Code, is amended to read as follows:

7 Sec. 301.081. EMPLOYEE RECORDS OF EMPLOYING UNIT; OFFENSE;  
8 PENALTY. (a) Each employing unit shall keep employment records  
9 containing information as prescribed by the commission and as  
10 necessary for the proper administration of this title. The records  
11 are open to inspection and may be copied by the commission or an  
12 authorized representative of the commission at any reasonable time  
13 and as often as necessary.

14 (b) The commission may require from an employing unit sworn  
15 or unsworn reports regarding persons employed by the employing unit  
16 as necessary for the effective administration of this title.

17 (c) Employment information thus obtained or otherwise  
18 secured may not be published and is not open to public inspection,  
19 other than to a public employee in the performance of public duties,  
20 except as the commission considers necessary for the proper  
21 administration of this title or as provided by commission rule and  
22 consistent with federal law.

23 (d) A person commits an offense if the person [~~is an~~  
24 ~~employee or member of the commission who~~] violates any provision of

1 this section. An offense under this subsection constitutes a Class  
2 A Misdemeanor. [~~is punishable by a fine of not less than \$20 nor~~  
3 ~~more than \$200, confinement in jail for not more than 90 days, or~~  
4 ~~both fine and confinement.~~]

5 SECTION 2. Subchapter F, Chapter 301, Labor Code is amended  
6 by adding Sections 301.085 and 301.086 to read as follows:

7 Sec. 301.085. DISCLOSURE AND CONFIDENTIALITY OF  
8 INFORMATION. (a) "Unemployment compensation information" means  
9 information in the records of the Texas Workforce Commission that  
10 pertains to the administration of the Texas Unemployment  
11 Compensation Act, as provided in this title, including all  
12 information collected, received, developed, and maintained in the  
13 administration of the unemployment compensation benefits system  
14 and in the administration of the unemployment compensation tax  
15 system.

16 (b) Consistent with federal law, the commission shall  
17 establish and enforce reasonable rules governing the  
18 confidentiality, custody, use, preservation and disclosure of  
19 unemployment compensation information.

20 (c) In establishing rules under subsection (b), the  
21 commission shall, by rule, include safeguards which protect the  
22 confidentiality of identifying information or particulars about  
23 any individual or any past or present employer or employing unit  
24 contained in unemployment compensation information, including any  
25 information which could foreseeably be combined with other publicly  
26 available information to reveal identifying information or  
27 particulars about any individual or past or present employer or

1 employing unit.

2 (d) Unemployment compensation information is not subject to  
3 the provisions of Chapter 552, Texas Government Code.

4 Sec. 301.086. DISCLOSURE OF CERTAIN INFORMATION  
5 PROHIBITED; OFFENSE; PENALTY. (a) Except as permitted under this  
6 subchapter and commission rule, it is an offense for a person to  
7 solicit, disclose, receive, or make use of, or to authorize,  
8 permit, participate in, or acquiesce in the use of unemployment  
9 compensation information revealing identifying information or  
10 particulars regarding:

- 11 (1) any individual,  
12 (2) any past or present employer or employing unit, or  
13 (3) any information which could foreseeably be  
14 combined with other publicly available information to reveal  
15 identifying information or particulars about any individual or past  
16 or present employer or employing unit.

17 (b) An offense under this section is a Class A misdemeanor.

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