

AN ACT

relating to the confidentiality of certain employment information, including unemployment compensation information; providing criminal penalties.

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

SECTION 1. Subsections (c) and (d), Section 301.081, Labor Code, are amended to read as follows:

(c) Employment information [~~thus~~] obtained or otherwise secured under this section may not be published and is not open to public inspection, other than to a public employee in the performance of public duties, except as the commission considers necessary for the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

(d) A person commits an offense if the person [~~is an employee or member of the commission who~~] violates any provision of this section. An offense under this subsection is a Class A misdemeanor [~~is punishable by a fine of not less than \$20 nor more than \$200, confinement in jail for not more than 90 days, or both fine and confinement~~].

SECTION 2. Subchapter F, Chapter 301, Labor Code, is amended by adding Section 301.085 to read as follows:

Sec. 301.085. UNEMPLOYMENT COMPENSATION INFORMATION; OFFENSE; PENALTY. (a) In this section, "unemployment compensation information" means information in the records of the

1 commission that pertains to the administration of Subtitle A,
2 including any information collected, received, developed, or
3 maintained in the administration of unemployment compensation
4 benefits or the unemployment compensation tax system.

5 (b) Consistent with federal law, the commission shall adopt
6 and enforce reasonable rules governing the confidentiality,
7 custody, use, preservation, and disclosure of unemployment
8 compensation information. The rules must include safeguards to
9 protect the confidentiality of identifying information regarding
10 any individual or any past or present employer or employing unit
11 contained in unemployment compensation information, including any
12 information that foreseeably could be combined with other publicly
13 available information to reveal identifying information regarding
14 the individual, employer, or employing unit, as applicable.

15 (c) Unemployment compensation information is not public
16 information for purposes of Chapter 552, Government Code.

17 (d) Unless permitted by this subchapter or commission rule,
18 a person commits an offense if the person solicits, discloses,
19 receives, or uses, or authorizes, permits, participates in, or
20 acquiesces in another person's use of, unemployment compensation
21 information that reveals:

22 (1) identifying information regarding any individual
23 or past or present employer or employing unit; or

24 (2) information that foreseeably could be combined
25 with other publicly available information to reveal identifying
26 information regarding any individual or past or present employer or
27 employing unit.

1 (e) An offense under Subsection (d) is a Class A
2 misdemeanor.

3 SECTION 3. The change in law made by this Act to Subsection
4 (d), Section 301.081, Labor Code, applies only to an offense
5 committed on or after the effective date of this Act. An offense
6 committed before the effective date of this Act is governed by the
7 law in effect at the time the offense was committed, and the former
8 law is continued in effect for that purpose. For purposes of this
9 section, an offense was committed before the effective date of this
10 Act if any element of the offense was committed before that date.

11 SECTION 4. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1619 passed the Senate on May 1, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1619 passed the House on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor