

By: Lucio

S.B. No. 1619

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confidentiality of certain employment information,
3 including unemployment compensation information; providing
4 criminal penalties.

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

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

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9 secured under this section may not be published and is not open to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

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

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

22 Sec. 301.085. UNEMPLOYMENT COMPENSATION INFORMATION;
23 OFFENSE; PENALTY. (a) In this section, "unemployment
24 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.