

1-1 By: Lucio S.B. No. 1619
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 23, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 23, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1619 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the confidentiality of certain employment information,
1-11 including unemployment compensation information; providing
1-12 criminal penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsections (c) and (d), Section 301.081, Labor
1-15 Code, are amended to read as follows:

1-16 (c) Employment information ~~[thus]~~ obtained or otherwise
1-17 secured under this section may not be published and is not open to
1-18 public inspection, other than to a public employee in the
1-19 performance of public duties, except as the commission considers
1-20 necessary for the proper administration of this title or as
1-21 provided by commission rule and consistent with federal law.

1-22 (d) A person commits an offense if the person ~~[is an~~
1-23 ~~employee or member of the commission who]~~ violates any provision of
1-24 this section. An offense under this subsection is a Class A
1-25 misdemeanor ~~[is punishable by a fine of not less than \$20 nor more~~
1-26 ~~than \$200, confinement in jail for not more than 90 days, or both~~
1-27 ~~fine and confinement].~~

1-28 SECTION 2. Subchapter F, Chapter 301, Labor Code, is
1-29 amended by adding Section 301.085 to read as follows:

1-30 Sec. 301.085. UNEMPLOYMENT COMPENSATION INFORMATION;
1-31 OFFENSE; PENALTY. (a) In this section, "unemployment
1-32 compensation information" means information in the records of the
1-33 commission that pertains to the administration of Subtitle A,
1-34 including any information collected, received, developed, or
1-35 maintained in the administration of unemployment compensation
1-36 benefits or the unemployment compensation tax system.

1-37 (b) Consistent with federal law, the commission shall adopt
1-38 and enforce reasonable rules governing the confidentiality,
1-39 custody, use, preservation, and disclosure of unemployment
1-40 compensation information. The rules must include safeguards to
1-41 protect the confidentiality of identifying information regarding
1-42 any individual or any past or present employer or employing unit
1-43 contained in unemployment compensation information, including any
1-44 information that foreseeably could be combined with other publicly
1-45 available information to reveal identifying information regarding
1-46 the individual, employer, or employing unit, as applicable.

1-47 (c) Unemployment compensation information is not public
1-48 information for purposes of Chapter 552, Government Code.

1-49 (d) Unless permitted by this subchapter or commission rule,
1-50 a person commits an offense if the person solicits, discloses,
1-51 receives, or uses, or authorizes, permits, participates in, or
1-52 acquiesces in another person's use of, unemployment compensation
1-53 information that reveals:

1-54 (1) identifying information regarding any individual
1-55 or past or present employer or employing unit; or

1-56 (2) information that foreseeably could be combined
1-57 with other publicly available information to reveal identifying
1-58 information regarding any individual or past or present employer or
1-59 employing unit.

1-60 (e) An offense under Subsection (d) is a Class A
1-61 misdemeanor.

1-62 SECTION 3. The change in law made by this Act to Subsection
1-63 (d), Section 301.081, Labor Code, applies only to an offense

2-1 committed on or after the effective date of this Act. An offense
2-2 committed before the effective date of this Act is governed by the
2-3 law in effect at the time the offense was committed, and the former
2-4 law is continued in effect for that purpose. For purposes of this
2-5 section, an offense was committed before the effective date of this
2-6 Act if any element of the offense was committed before that date.
2-7 SECTION 4. This Act takes effect September 1, 2007.

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