

By: Giddings

H.B. No. 4207

Substitute the following for H.B. No. 4207:

By: Solomons

C.S.H.B. No. 4207

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of personally identifiable information under the public information law.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.150 to read as follows:

Sec. 552.150. EXCEPTION: DATES OF BIRTH OF EMPLOYEES OF GOVERNMENTAL BODIES. (a) The date of birth, excluding the month and year, of a current or former official or employee of a governmental body that is collected or maintained in a governmental body's personnel, payroll, or employment records is excepted from the requirements of Section 552.021.

(b) A governmental body may redact the date of birth, excluding the month and year, of a current or former official or employee of a governmental body from any information collected or maintained in a governmental body's personnel, payroll, or employment records that the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 2. Chapter 552, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. PERSONALLY IDENTIFIABLE INFORMATION COLLECTED BY STATE GOVERNMENTAL BODIES

Sec. 552.371. DEFINITIONS. In this subchapter:

1 (1) "Personally identifiable information" includes
2 any information about an individual collected by a state
3 governmental body that may be used to distinguish or track the
4 individual's identity or that may be linked to the individual, such
5 as the individual's:

6 (A) name;

7 (B) social security number;

8 (C) date of birth;

9 (D) location of birth;

10 (E) mother's maiden name;

11 (F) biometric records;

12 (G) medical information;

13 (H) educational information;

14 (I) financial information; and

15 (J) employment information.

16 (2) "State governmental body" means a governmental
17 body that is part of state government.

18 Sec. 552.372. STUDY OF PERSONALLY IDENTIFIABLE INFORMATION
19 COLLECTED BY STATE GOVERNMENTAL BODIES. (a) The comptroller shall
20 perform an analysis of the amount and types of personally
21 identifiable information collected by each state governmental
22 body.

23 (b) A state governmental body, by providing public
24 information that is confidential or otherwise excepted from
25 required disclosure under law to the comptroller to perform the
26 analysis required by this section, does not waive or affect the
27 confidentiality of the information for purposes of state or federal

1 law or waive the right to assert exceptions to required disclosure
2 of the information in the future.

3 (c) Except as provided by Section 552.374, the comptroller
4 and a task force established under this subchapter may not disclose
5 to a requestor or the public any information submitted to the
6 comptroller under this section.

7 Sec. 552.373. TASK FORCE. (a) The comptroller may
8 establish a task force to assist and advise the comptroller in
9 performing the analysis required by Section 552.372.

10 (b) The comptroller may adopt a plan of operation for the
11 task force. The plan must include qualifications for the members of
12 the task force.

13 (c) The comptroller may appoint as many members to the task
14 force as the comptroller determines are necessary. In making
15 appointments to the task force the comptroller may consider any
16 appropriate factor, including a person's expertise. A task force
17 must include:

18 (1) a member from the judiciary;

19 (2) a member from the Department of Information
20 Resources;

21 (3) a member from the Department of Public Safety of
22 the State of Texas;

23 (4) a member from the Health and Human Services
24 Commission;

25 (5) a member employed by an institution of higher
26 education;

27 (6) a member employed by a financial institution; and

1 (7) a member employed by an information services
2 company.

3 (d) Two or more members of the task force may not be
4 employees or officers of the same company or organization.

5 (e) A person may not be a public member of the task force if
6 the person is:

7 (1) required to register as a lobbyist under Chapter
8 305; or

9 (2) related to a person required to register as a
10 lobbyist under Chapter 305 within the second degree of affinity or
11 consanguinity.

12 (f) Members of the task force may not receive compensation
13 from the state for service on the task force.

14 Sec. 552.374. REPORT TO LEGISLATURE. (a) Not later than
15 December 1, 2010, the comptroller shall file a report with the
16 presiding officer of each house of the legislature that identifies
17 the personally identifiable information collected by each state
18 governmental body.

19 (b) The report must contain the comptroller's
20 recommendations for legislation regarding personally identifiable
21 information collected by a state governmental body, including
22 recommendations on:

23 (1) whether each state governmental body should
24 continue to collect or maintain personally identifiable
25 information;

26 (2) whether to amend the public information law to
27 further limit the types of personally identifiable information that

1 may be withheld from disclosure; and

2 (3) the effect of the recommendations made under this
3 section.

4 Sec. 552.375. EXPIRATION. This subchapter expires
5 September 1, 2011.

6 SECTION 3. Section 552.150, Government Code, as added by
7 this Act, applies only to a request for information that is received
8 by a governmental body or an officer for public information on or
9 after the effective date of this Act. A request for information
10 that was received before the effective date of this Act is governed
11 by the law in effect on the date the request was received, and the
12 former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2009.