

By: Giddings

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 of a current or former
official or employee of a governmental body is excepted from the
requirements of Section 552.021.

(b) A governmental body may redact the date of birth of a
current or former official or employee of a governmental body from
any information 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) "Personally identifiable information" includes
any information about an individual collected by a state
governmental body that may be used to distinguish or track the
individual's identity or that may be linked to the individual, such

as the individual's:

(A) name;

(B) social security number;

(C) date of birth;

(D) location of birth;

(E) mother's maiden name;

(F) biometric records;

(G) medical information;

(H) educational information;

(I) financial information; and

(J) employment information.

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

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

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

(b) The comptroller shall adopt a plan of operation for the task force. The plan must include qualifications for the members of the task force.

(c) The comptroller may appoint as many members to the task force as the comptroller determines are necessary. In making appointments to the task force the comptroller shall consider any

1 appropriate factor, including a person's expertise. A task force
2 must include:

3 (1) a member from the judiciary;

4 (2) a member from the Department of Information
5 Resources;

6 (3) a member from the Department of Public Safety of
7 the State of Texas;

8 (4) a member from the Health and Human Services
9 Commission;

10 (5) a member employed by an institution of higher
11 education; and

12 (6) a member employed by a financial institution.

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

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

17 (1) required to register as a lobbyist under Chapter
18 305; or

19 (2) related to a person required to register as a
20 lobbyist under Chapter 305 within the second degree of affinity or
21 consanguinity.

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

24 Sec. 552.374. REPORT TO LEGISLATURE. (a) Not later than
25 December 1, 2010, the comptroller shall file a report with the
26 presiding officer of each house of the legislature that identifies
27 the personally identifiable information collected by each state

1 governmental body.

2 (b) The report must contain the comptroller's
3 recommendations for legislation regarding personally identifiable
4 information collected by a state governmental body, including
5 recommendations on:

6 (1) whether each state governmental body should
7 continue to collect or maintain personally identifiable
8 information;

9 (2) whether to amend the public information law to
10 further limit the types of personally identifiable information that
11 may be withheld from disclosure; and

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

14 Sec. 552.375. EXPIRATION. This subchapter expires
15 September 1, 2011.

16 SECTION 3. Section 552.150, Government Code, as added by
17 this Act, applies only to a request for information that is received
18 by a governmental body or an officer for public information on or
19 after the effective date of this Act. A request for information
20 that was received before the effective date of this Act is governed
21 by the law in effect on the date the request was received, and the
22 former law is continued in effect for that purpose.

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