

By: Duncan

S.B. No. 1912

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. 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.

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

3 Sec. 552.372. STUDY OF PERSONALLY IDENTIFIABLE INFORMATION
4 COLLECTED BY STATE GOVERNMENTAL BODIES. (a) The comptroller shall
5 perform an analysis of the amount and types of personally
6 identifiable information collected by each state governmental
7 body. The analysis must include a study of the disclosure and sale
8 of personally identifiable information under Chapters 521, 522, and
9 730, Transportation Code, by the state agencies to which those
10 chapters apply.

11 (b) A state governmental body, by providing public
12 information that is confidential or otherwise excepted from
13 required disclosure under law to the comptroller to perform the
14 analysis required by this section, does not waive or affect the
15 confidentiality of the information for purposes of state or federal
16 law or waive the right to assert exceptions to required disclosure
17 of the information in the future.

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

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

25 (b) The comptroller may adopt a plan of operation for the
26 task force. The plan must include qualifications for the members of
27 the task force.

1 (c) The comptroller may appoint as many members to the task
2 force as the comptroller determines are necessary. In making
3 appointments to the task force the comptroller may consider any
4 appropriate factor, including a person's expertise. A task force
5 must include:

6 (1) a member from the judiciary;

7 (2) a member from the Department of Information
8 Resources;

9 (3) a member from the Department of Public Safety of
10 the State of Texas;

11 (4) a member from the Health and Human Services
12 Commission;

13 (5) a member employed by an institution of higher
14 education;

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

16 (7) a member employed by an information services
17 company.

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

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

22 (1) required to register as a lobbyist under Chapter
23 305; or

24 (2) related to a person required to register as a
25 lobbyist under Chapter 305 within the second degree of affinity or
26 consanguinity.

27 (f) Members of the task force may not receive compensation

1 from the state for service on the task force.

2 Sec. 552.374. REPORT TO LEGISLATURE. (a) Not later than
3 December 1, 2010, the comptroller shall file a report with the
4 presiding officer of each house of the legislature that identifies
5 the personally identifiable information collected by each state
6 governmental body.

7 (b) The report must contain the comptroller's
8 recommendations for legislation regarding personally identifiable
9 information collected by a state governmental body, including
10 recommendations on:

11 (1) whether each state governmental body should
12 continue to collect or maintain personally identifiable
13 information;

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

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

19 Sec. 552.375. EXPIRATION. This subchapter expires
20 September 1, 2011.

21 SECTION 2. This Act takes effect September 1, 2009.