

1-1 By: Duncan S.B. No. 1912
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 28, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 1; April 28, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1912 By: Duncan

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

1-10 relating to the disclosure of personally identifiable information
1-11 under the public information law.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 552, Government Code, is
1-14 amended by adding Section 552.150 to read as follows:

1-15 Sec. 552.150. EXCEPTION: DATES OF BIRTH OF EMPLOYEES OF
1-16 GOVERNMENTAL BODIES. (a) The date of birth, excluding the month
1-17 and year, of a current or former official or employee of a
1-18 governmental body that is collected or maintained in a governmental
1-19 body's personnel, payroll, or employment records is excepted from
1-20 the requirements of Section 552.021.

1-21 (b) A governmental body may redact the date of birth,
1-22 excluding the month and year, of a current or former official or
1-23 employee of a governmental body from any information collected or
1-24 maintained in a governmental body's personnel, payroll, or
1-25 employment records that the governmental body discloses under
1-26 Section 552.021 without the necessity of requesting a decision from
1-27 the attorney general under Subchapter G.

1-28 SECTION 2. Chapter 552, Government Code, is amended by
1-29 adding Subchapter J to read as follows:

1-30 SUBCHAPTER J. PERSONALLY IDENTIFIABLE INFORMATION COLLECTED BY
1-31 STATE GOVERNMENTAL BODIES

1-32 Sec. 552.371. DEFINITIONS. In this subchapter:

1-33 (1) "Personally identifiable information" includes
1-34 any information about an individual collected by a state
1-35 governmental body that may be used to distinguish or track the
1-36 individual's identity or that may be linked to the individual, such
1-37 as the individual's:

- 1-38 (A) name;
- 1-39 (B) social security number;
- 1-40 (C) date of birth;
- 1-41 (D) location of birth;
- 1-42 (E) mother's maiden name;
- 1-43 (F) biometric records;
- 1-44 (G) medical information;
- 1-45 (H) educational information;
- 1-46 (I) financial information; and
- 1-47 (J) employment information.

1-48 (2) "State governmental body" means a governmental
1-49 body that is part of state government.

1-50 Sec. 552.372. STUDY OF PERSONALLY IDENTIFIABLE INFORMATION
1-51 COLLECTED BY STATE GOVERNMENTAL BODIES. (a) The comptroller shall
1-52 perform an analysis of the amount and types of personally
1-53 identifiable information collected by each state governmental
1-54 body.

1-55 (b) A state governmental body, by providing public
1-56 information that is confidential or otherwise excepted from
1-57 required disclosure under law to the comptroller to perform the
1-58 analysis required by this section, does not waive or affect the
1-59 confidentiality of the information for purposes of state or federal
1-60 law or waive the right to assert exceptions to required disclosure
1-61 of the information in the future.

1-62 (c) Except as provided by Section 552.374, the comptroller
1-63 and a task force established under this subchapter may not disclose

2-1 to a requestor or the public any information submitted to the
2-2 comptroller under this section.

2-3 Sec. 552.373. TASK FORCE. (a) The comptroller may
2-4 establish a task force to assist and advise the comptroller in
2-5 performing the analysis required by Section 552.372.

2-6 (b) The comptroller may adopt a plan of operation for the
2-7 task force. The plan must include qualifications for the members of
2-8 the task force.

2-9 (c) The comptroller may appoint as many members to the task
2-10 force as the comptroller determines are necessary. In making
2-11 appointments to the task force the comptroller may consider any
2-12 appropriate factor, including a person's expertise. A task force
2-13 must include:

2-14 (1) a member from the judiciary;

2-15 (2) a member from the Department of Information
2-16 Resources;

2-17 (3) a member from the Department of Public Safety of
2-18 the State of Texas;

2-19 (4) a member from the Health and Human Services
2-20 Commission;

2-21 (5) a member employed by an institution of higher
2-22 education;

2-23 (6) a member employed by a financial institution; and

2-24 (7) a member employed by an information services
2-25 company.

2-26 (d) Two or more members of the task force may not be
2-27 employees or officers of the same company or organization.

2-28 (e) A person may not be a public member of the task force if
2-29 the person is:

2-30 (1) required to register as a lobbyist under Chapter
2-31 305; or

2-32 (2) related to a person required to register as a
2-33 lobbyist under Chapter 305 within the second degree of affinity or
2-34 consanguinity.

2-35 (f) Members of the task force may not receive compensation
2-36 from the state for service on the task force.

2-37 Sec. 552.374. REPORT TO LEGISLATURE. (a) Not later than
2-38 December 1, 2010, the comptroller shall file a report with the
2-39 presiding officer of each house of the legislature that identifies
2-40 the personally identifiable information collected by each state
2-41 governmental body.

2-42 (b) The report must contain the comptroller's
2-43 recommendations for legislation regarding personally identifiable
2-44 information collected by a state governmental body, including
2-45 recommendations on:

2-46 (1) whether each state governmental body should
2-47 continue to collect or maintain personally identifiable
2-48 information;

2-49 (2) whether to amend the public information law to
2-50 further limit the types of personally identifiable information that
2-51 may be withheld from disclosure; and

2-52 (3) the effect of the recommendations made under this
2-53 section.

2-54 Sec. 552.375. EXPIRATION. This subchapter expires
2-55 September 1, 2011.

2-56 SECTION 3. Section 552.150, Government Code, as added by
2-57 this Act, applies only to a request for information that is received
2-58 by a governmental body or an officer for public information on or
2-59 after the effective date of this Act. A request for information
2-60 that was received before the effective date of this Act is governed
2-61 by the law in effect on the date the request was received, and the
2-62 former law is continued in effect for that purpose.

2-63 SECTION 4. This Act takes effect September 1, 2009.

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