

BILL ANALYSIS

S.B. 563
By: Jackson
Economic & Small Business Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, unemployment insurance claimants are required to register at the online portal www.workintexas.com maintained by the Texas Workforce Commission to comply with applicable job search requirements. However, it is not clear whether the unemployment insurance claimant's personal information entered into that website is confidential and subject to disclosure under state public information law. Current law treats unemployment insurance information as confidential and not subject to disclosure, therefore, allowing disclosure of information entered into the website may violate state law. The site is also used as a job search engine and there is also concern that no protection from disclosure exists for job seekers or employers who use the website.

S.B. 563 seeks to exempt the personal information of a job seeker, unemployment insurance claimant, and employer entered into the state's website, www.workintexas.com, from disclosure under state public information law.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 2 of this bill.

ANALYSIS

S.B. 563 amends the Labor Code to make it a Class A misdemeanor offense to solicit, disclose, receive, or use, or authorize, permit, participate in, or acquiesce in another person's use of, job matching services information that reveals identifying information regarding any individual or past or present employer or employing unit or information that foreseeably could be combined with other publicly available information to reveal identifying information regarding any individual or past or present employer or employing unit.

S.B. 563 defines "job matching services information" as information in the records of the Texas Workforce Commission that pertains to the commission's job matching services provided to employers and job seekers through the Internet, workforce centers, or other means. The bill requires the commission to adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of job matching services information and requires the rules to include safeguards to protect the confidentiality of identifying information regarding any individual or any past or present employer or employing unit contained in job matching services information, including any information that foreseeably could be combined with other publicly available information to reveal identifying information regarding the individual, employer, or employing unit, as applicable. The bill specifies that job matching services information is not public information for purposes of state public information law and makes conforming changes.

EFFECTIVE DATE

September 1, 2011.