

## **BILL ANALYSIS**

Senate Research Center  
82R4777 JSC-F

S.B. 563  
By: Jackson  
Economic Development  
3/2/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this bill is to exempt personal information as it relates to job seekers, unemployment insurance claimants, and employer information contained in the state's job search engine, *workintexas.com*, from release under the Public Information Act.

Currently, unemployment insurance claimants are required to register in *workintexas.com* to comply with their respective job search requirements. However, the unemployment insurance claimant's personal information entered into *workintexas.com* is not confidential as it is subject to disclosure under the Public Information Act. Section 301.085 (Unemployment Compensation Information; Offense; Penalty), Labor Code, specifically treats unemployment insurance information as confidential and not subject to disclosure. Therefore, allowing disclosure of such information under the Public Information Act is in violation of the Labor Code.

Additionally, no protection from disclosure exists for the common citizen or job seeker who registers in the system or for employers that use *workintexas.com* to seek qualified candidates.

This bill allows the Texas Workforce Commission to consistently treat consumer information as confidential and not subject to disclosure to a third party under the Public Information Act.

As proposed, S.B. 563 amends current law relating to information regarding job matching services provided by the Texas Workforce Commission and provides a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 2 (Section 301.085, Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 301.085, Labor Code, to read as follows:

Sec. 301.085. UNEMPLOYMENT COMPENSATION AND JOB MATCHING SERVICES INFORMATION; OFFENSE; PENALTY.

SECTION 2. Amends Section 301.085, Labor Code, by amending Subsections (a), (c), and (d) and adding Subsection (b-1), as follows:

(a) Defines "job matching services information" and "unemployment compensation information" in this section.

(b-1) Requires the Texas Workforce Commission (TWC) to adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of job matching services information. Requires that the rules 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.

(c) Provides that unemployment compensation information and job matching services information are not public information, rather than unemployment compensation information is not public information, for purposes of Chapter 552 (Public Information), Government Code.

(d) Provides that unless permitted by this subchapter or TWC rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, unemployment compensation information or job matching services information that reveals:

(1) identifying information regarding any individual or past or present employer or employing unit; or

(2) 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.

SECTION 3. Effective date: September 1, 2011.