

## **BILL ANALYSIS**

S.B. 1638  
By: Davis  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a city employee's emergency contact information, out-of-state driver's license number, and employee badge may be released under the Texas Public Information Act. Government officials or employees have the authority to choose to protect family member information from public disclosure, but the protection is applicable only to individuals within the legal definition of family by consanguinity or affinity, not the broader colloquial definitions of persons trusted or protected or members of the same household.

An individual with no legally recognized family in this state may choose to list a close friend as an emergency contact in case of a medical emergency, but a friend's name, address, and telephone number is not excepted from public disclosure. This situation encourages officials or employees to avoid listing emergency contact information for fear of public disclosure or harassment.

Texas-issued driver's license information is also protected from public disclosure. A person applying for employment with local or state government may be required to provide a driver's license to be hired, especially if an acceptable driver's record is an essential function of the position. Since out-of-state driver's license numbers may be released, this practice has a negative effect on the decision of a number of qualified out-of-state candidates to apply for local and state positions.

Another security risk can arise when a copy of an employee's badge is released. A copy of an employee's badge containing the employee's photograph, identification number, and job title could be used to make a replacement of the badge to gain access to secured areas of local and state government facilities and emergency scenes which would allow the individual to potentially harm other government employees and the public.

S.B. 1638 seeks to address these issues by amending state law relating to the exception of certain personal information from required disclosure under the public information law.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1638 amends the Government Code to require each employee or official of a governmental body and each former employee or official of a governmental body to choose whether to allow public access to emergency contact information, in addition to certain other information, in the custody of the governmental body. The bill excepts from public disclosure emergency contact information relating to certain employees, officials, and officers of a governmental body. The bill prohibits public disclosure of emergency contact information relating to a peace officer, county jailer, security officer, or employee of the Texas Department of Criminal Justice or a

prosecutor's office if the individual that is the subject of the information chooses to restrict public access to the information and notifies the governmental body of that choice accompanied by evidence of the individual's status.

S.B. 1638 excepts a motor vehicle operator's or driver's license or permit, a motor vehicle title or registration, and a personal identification document issued by an agency of another state or country, in addition to such records issued by an agency of Texas, from requirements relating to the availability of public information. The bill makes a photocopy or other copy of an identification badge issued to an official or employee of a governmental body confidential.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.