

BILL ANALYSIS

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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a city employee's emergency contact information, out-of-state driver's license number, and employee badge is subject to release under the Texas Public Information Act.

Sections 552.117 (Exception: Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information), 552.1175 (Confidentiality of Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information of Peace Officers, County Jailers, Security Officers, and Employees of the Texas Department of Criminal Justice or a Prosecutor's Office), and 552.024 (Electing to Disclose Address and Telephone Number), Government Code, allow a government official or employee to choose to protect family member information from public disclosure. However, this provision applies 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 will list a close friend as his or her emergency contact in case of a medical emergency. These statutes do not allow the friend's name, address, and telephone number to be excepted from release. This situation encourages officials or employees not to list emergency contact information for fear of public disclosure and/or harassment. The person that an official or employees chooses to list as an emergency contact is a higher personal choice and should not be subject to disclosure.

Section 552.130 (Exception: Motor Vehicle Records), Government Code, protects only Texas-issued drivers' license information against public disclosure. A person applying for employment with local or state government in many cases must provide a driver's license to be hired because an acceptable driver's record is an essential function of the position. Since Texas law routinely provides that out-of-state driver's license numbers must 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. The release of this information can encourage and/or enable identity theft because a person's birthday and other employment information are routinely listed along with driver's license number.

A security risk arises since the current law requires the release of a copy of the employee's city badge. Section 552.139 (Exception: Government Information Related to Security or Infrastructure Issues for Computers), Government Code, excepts from release computer network security information; an employee's security clearance information is encoded into his/her employee badge and is kept on the computer network security system. The copy of the badge which contains the employee's photograph, identification number, and job title could be used to illegally obtain and/or 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.

By protecting emergency contact information and out-of-state driver's license information from disclosure, local and state governments can provide more functional security for their officials and employees who may be subject to stalking, harassment, and potential identity theft crimes. Additionally, limiting the release of badge information will provide officials, employees and members of the public with a safer environment in which to conduct government business.

As proposed, S.B. 1638 amends current law relating to the exception of certain personal information from required disclosure under the public information law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.024(a), 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 the information in the custody of the governmental body that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

SECTION 2. Amends Section 552.117(a), Government Code, to make a conforming change.

SECTION 3. Amends Section 552.1175(b), Government Code, to make a conforming change.

SECTION 4. Amends Section 552.130(a), Government Code, to provide that information is excepted from the requirements of Section 552.021 if the information relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; a motor vehicle title or registration issued by an agency of this state or another state or country; or a personal identification document issued by an agency of this state or another state or country or local agency authorized to issue an identification document.

SECTION 5. Amends Section 552.139(b), Government Code, to provide that certain information is confidential, including a photocopy or other copy of an identification badge issued to an official or employee of a governmental body. Makes nonsubstantive changes.

SECTION 6. Effective date: upon passage or September 1, 2011.