

## **BILL ANALYSIS**

C.S.H.B. 3443  
By: Laubenberg  
Government Transparency & Operation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties explain that state law allows the Department of State Health Services to collect health care-related data and to sell certain of that information to third-party organizations for a fee. The parties contend that although the sale of private citizens' information to third-party organizations is an unfortunate reality, it is a reality that can be improved. C.S.H.B. 3443 seeks to address this concern.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 3443 amends the Government Code to require a state agency, defined as a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government, including a university system or institution of higher education, that is created by the constitution or a statute of the state, that sells or offers to sell information to a person, including information considered public information under state public information law, that is collected by the agency and that alone or in conjunction with other information identifies an individual, to adopt, not later than December 31, 2015, a written policy on the collection and possible sale of the information to another person and to make a copy of the policy available on request. The bill requires a state agency that adopts such a policy to post the policy on the agency's website along with a specified statement.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3443 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

84R 27047

15.120.636

Substitute Document Number: 84R 25596

SECTION 1. Subtitle B, Title 10, Government Code, is amended by adding Chapter 2062 to read as follows:

CHAPTER 2062. STATE AGENCY COLLECTION AND MAINTENANCE OF INFORMATION ON INDIVIDUALS

Sec. 2062.001. DEFINITION. In this chapter, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government, including a university system or institution of higher education as defined by Section 61.003, Education Code, that is created by the constitution or a statute of this state.

Sec. 2062.002. COLLECTION AND MAINTENANCE OF UNAUTHORIZED INDIVIDUAL INFORMATION PROHIBITED; DESTRUCTION

REQUIRED. (a) A state agency may not collect or maintain in any form information that alone or in conjunction with other information identifies an individual unless the agency has specific statutory authority for the collection or maintenance of the information.

(b) A state agency shall destroy or arrange for the destruction of all information that alone or in conjunction with other information identifies an individual and that was collected or is maintained by the agency without specific statutory authority or with specific statutory authority that no longer applies.

(c) A state agency shall destroy or arrange for the destruction of information described by Subsection (b) by:

(1) shredding;

(2) erasing; or

(3) otherwise modifying the sensitive information in the records to make the information unreadable or indecipherable through any means.

No equivalent provision.

SECTION 1. Subtitle B, Title 10, Government Code, is amended by adding Chapter 2062 to read as follows:

CHAPTER 2062. STATE AGENCY POLICY ON COLLECTION AND SALE OF PERSONAL INFORMATION

Sec. 2062.001. DEFINITION. In this chapter, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government, including a university system or institution of higher education as defined by Section 61.003, Education Code, that is created by the constitution or a statute of this state.

No equivalent provision.

Sec. 2062.002. POLICY REQUIRED. Each state agency that sells or offers to sell to a person information, including information considered public information under Chapter 552, that is collected by the agency and that alone or in conjunction with other information identifies an individual shall:

(1) adopt a written policy on the collection and possible sale of the information to

another person; and  
(2) make a copy of the policy available on request.

No equivalent provision.

Sec. 2062.003. POSTING OF POLICY REQUIRED. A state agency that adopts a policy under Section 2062.002 shall post on the agency's Internet website the policy and the following statement: "Personal information collected by (name of agency) is for agency use and may also be sold to interested persons."

SECTION 2. Chapter 2062, Government Code, as added by this Act, applies to information that is collected by a state agency before, on, or after the effective date of this Act or is maintained by a state agency on or after the effective date of this Act.

No equivalent provision.

No equivalent provision.

SECTION 2. Not later than December 31, 2015, each state agency subject to Section 2062.002, Government Code, as added by this Act, shall adopt the written policy required by that section.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.