

By: Laubenberg

H.B. No. 3443

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on and destruction of unauthorized individual information collected or maintained by a state agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

1 or with specific statutory authority that no longer applies.

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

4 (1) shredding;

5 (2) erasing; or

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

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

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