

By: Kolkhorst

S.B. No. 1209

A BILL TO BE ENTITLED

AN ACT

relating to the privacy of certain personal information held by health and human services agencies.

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

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter V-1 to read as follows:

SUBCHAPTER V-1. PRIVACY OF PERSONAL INFORMATION

Sec. 531.931. DEFINITION. In this subchapter, "personal information" includes:

(1) information that alone or in conjunction with other information identifies an individual, including an individual's:

(A) name, social security number, date of birth, or government-issued identification number;

(B) mother's maiden name;

(C) unique biometric data, including the individual's fingerprint, voice print, and retina or iris image;

(D) unique electronic identification number, address, or routing code;

(E) telecommunication access device as defined by Section 32.51, Penal Code; and

(F) financial institution account number or credit or debit card number; and

(2) information that relates to:

1                   (A) the physical or mental health or condition of  
2 an individual;

3                   (B) the provision of health care to an  
4 individual; or

5                   (C) payment for the provision of health care to  
6 an individual.

7           Sec. 531.932. SALE OF PERSONAL INFORMATION. (a) A health  
8 and human services agency may not sell personal information to any  
9 person unless the agency obtains the consent of the individual who  
10 is the subject of the information.

11           (b) An agency may not require an individual to consent to  
12 the sale of personal information as a condition of receiving  
13 services from the agency.

14           Sec. 531.933. PURCHASE OF PERSONAL INFORMATION; PUBLIC  
15 INFORMATION. The name of a person that purchases personal  
16 information from a health and human services agency is public  
17 information subject to disclosure under Chapter 552.

18           Sec. 531.934. RESALE PROHIBITED. (a) A person who  
19 purchases personal information from a health and human services  
20 agency may not resell the information.

21           (b) A person who the executive commissioner finds has  
22 violated this section is prohibited from purchasing personal  
23 information from any health and human services agency until on or  
24 after the second anniversary of the violation.

25           SECTION 2. This Act takes effect September 1, 2015.