

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 21, 2015

TO: Honorable Gary Elkins, Chair, House Committee on Government Transparency & Operation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3248 by Davis, Yvonne (Relating to state agency procedures and policies to protect and properly destroy certain information that identifies an individual.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time.

Costs associated with compliance would be dependent on agency determinations as to whether the collection and maintenance of personally identifiable information is required by statute. In cases where agencies are required to modify applications and data systems and purge unauthorized data, costs could be significant.

The bill would require each state agency to develop policies and procedures to secure all information that alone or in conjunction with other information identifies an individual. The bill would require each state agency to destroy information that alone or in conjunction with other information identifies an individual if that information is not required to be retained under other law. The bill would allow an agency to destroy the information by shredding, erasing, or modifying the records so as to make the information unreadable or indecipherable. "State agency" would include a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch, including university systems and institutions of higher education.

For agencies that have specific statutory authority to house all information that they collect, the cost of the bill would not be fiscally significant. However, for agencies that lack such authority with respect to some of their data systems there would be costs to comply with the bill's provisions.

According to the Texas Education Agency, the bill would require modification to several of the agency's data collection systems and that additional contract resources would be required to modify those systems. The agency maintains historical student data that was been collected under statutory authority that existed when the data was collected but may no longer exist. The agency estimates that the cost of complying with the bill would be \$2.5 million in General Revenue Funds in fiscal year 2016.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 452 Department of Licensing and Regulation, 529 Health and Human Services Commission, 537 State Health Services, Department of, 601 Department of Transportation, 608 Department of Motor Vehicles, 701 Central Education Agency, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 781 Higher Education Coordinating Board, 802 Parks and Wildlife Department

LBB Staff: UP, FR, JJ, BRi, AW, JSm