

BILL ANALYSIS

Senate Research Center
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H.B. 1655
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Birthdates are found in a multitude of public records, including police reports, jail records, civil legal filings, election candidate applications, voter registration rolls, and others. Because access to social security numbers and driver's licenses numbers have been foreclosed, it is the only remaining identifier that ensures the accuracy of identification. However, access to dates of birth in public records have been largely cut off since the 2015 Third Court of Appeals ruling in *Paxton v. City of Dallas*. This has foreclosed access to vitally important information for monitoring the actions of public officers and their employees and in reporting on elections and criminal justice.

Businesses, journalists, and regular citizens use dates of birth for many purposes. Birthdates help to verify identity in the context of credit checks, providing loans, news reporting, etc. In fact, the State of Texas currently sells numerous databases containing names, addresses, and dates of birth to auto dealers, banks, collection agencies, title services, law firms, insurance companies, real estate agencies, and hospitals, all of whom use this information to keep the economic engines in the State of Texas running. For example, when a car dealer is determining whether to provide a loan, a date of birth on a credit check culled from financial and public records makes it clear the person in the credit report is that applicant. When someone arrested or convicted of a crime has a common name, such as John Smith or Jose Garcia, the person can be identified with a date of birth, allowing the public to more accurately know the suspect's identity. In news reporting on government employees holding sensitive positions (such as school bus drivers) who may have been convicted of sex offenses or other crimes, dates of birth clarify identity and facilitate accurate reporting.

Further, the public has a basic right to know the birthdates of candidates for elected office. Birthdates tell the public whether the candidate is old enough to hold office and can help citizens evaluate the candidate. Birthdates are currently being redacted from candidate applications by local governments in Texas because of the Third Court of Appeals ruling. The ruling has caused confusion among governmental entities as to how and when dates of birth should be redacted and has resulted in more than 10,000 requests to the Office of the Attorney General on the subject since the 2015 ruling. H.B. 1655 would provide much-needed clarity in continuing to make this singular data point available to the general public.

H.B. 1655 amends current law relating to the availability of dates of birth 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 Subchapter B, Chapter 552, Government Code, by adding Section 552.0222, as follows:

Sec. 552.0222. DATES OF BIRTH. Provides that, notwithstanding Section 552.101 (Exception: Confidential Information), this chapter (Public Information) does not authorize a governmental body to withhold a date of birth except as:

(1) permitted by Section 552.102 (Exception: Confidentiality of Certain Personnel Information);

(2) permitted by the federal privacy requirements adopted under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. Part 160 and 45 C.F.R. Part 164; or

(3) otherwise provided by constitutional or statutory law.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.