

BILL ANALYSIS

Senate Research Center
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H.B. 3913
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the aftermath of Hurricane Harvey, the Harris County Flood Control District received public information requests from vendors and potentially predatory actors for personal information about flood victims who were in vulnerable and stressful situations. Examples include telephone numbers, e-mail addresses, and addresses of persons seeking aid. The Federal Emergency Management Agency (FEMA) has an exemption from the federal Freedom of Information Act for this particular circumstance to encourage public cooperation with the agency and to protect disaster victims. This exemption is needed in state law for similar agencies and circumstances. Current emergency exemptions do not necessarily cover a flood control district in this circumstance.

H.B. 3913 creates the same exclusion FEMA has under federal law, for personal information collected by a flood control district in a county with a population of 3.3 million or more in connection with operations related to a declared natural disaster. The exemption does not apply to appraisal districts or other entities that may collect information at a later date through different processes.

H.B. 3913 amends current law relating to an exception from required disclosure under the public information law for certain personal information obtained by certain flood control districts.

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 C, Chapter 552, Government Code, by adding Section 552.159, as follows:

Sec. 552.159. EXCEPTION: CERTAIN PERSONAL INFORMATION OBTAINED BY FLOOD CONTROL DISTRICT. Provides that the following information obtained by a flood control district located in a county with a population of 3.3 million or more in connection with operations related to a declared disaster or flooding is excepted from the requirements of Section 552.021 (Availability of Public Information):

- (1) a person's name;
- (2) a home address;
- (3) a business address;
- (4) a home telephone number;
- (5) a mobile telephone number;
- (6) an electronic mail address;

(7) social media account information; and

(8) a social security number.

SECTION 2. Makes application of Section 552.159, Government Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.