

BILL ANALYSIS

Senate Research Center

S.B. 2152
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Natural Resources & Economic Development
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a person who applies for a wage claim is vulnerable to having their personally identifiable information accessed by means of a public information request to the Texas Workforce Commission (TWC). This gap in privacy allows media outlets or attorneys seeking clients, for example, to utilize this information without the person's authorization. The availability of this information may have a chilling effect on potential wage claims if claimants believe they may be subject to harassment due to their filing.

S.B. 2152 thus would allow TWC to hold personally identifiable wage claim information confidential under the Public Information Act, mirroring the current law for unemployment insurance. S.B. 2152, however, would not deem the commission's aggregate data confidential. This includes any bad faith penalties, interactions with bankruptcy courts, employer names, and number of claims filed against each employer.

As proposed, S.B. 2152 amends current law relating to wage claim data.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 61.0515, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 61, Labor Code, by adding Section 61.0515, as follows:

Sec. 61.0515. WAGE CLAIM DATA. (a) Defines "wage claim data" as information collected, received, developed, or maintained in the records of the Texas Workforce Commission (TWC) that relates to the administration of this subchapter or Subchapters C (Security for Wage Payments), E (Administrative Lien), or F (Delinquency; Levy). Provides that the term does not include:

- (1) aggregated data that does not tend to identify an individual; or
- (2) information regarding a violation or enforcement of this chapter.

(b) Requires TWC to adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of wage claim data. Requires the rules to include safeguards to protect the confidentiality of identifying information regarding any individual or any past or present employer or employing unit contained in the wage claim data, including any information that foreseeably could be combined with other publicly available information to reveal identifying information regarding the individual, employer, or employing unit, as applicable.

(c) Provides that wage claim data is not public information for purposes of Chapter 552 (Public Information), Government Code.

(d) Authorizes TWC to adopt rules governing the disclosure of:

- (1) aggregated data that does not tend to identify an individual; or
- (2) information regarding violations or enforcement of this chapter.

SECTION 2. Effective date: September 1, 2019.