86R7563 AAF-F

By:  Capriglione H.B. No. 1784

A BILL TO BE ENTITLED

AN ACT

relating to management and storage of state records and information.

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

SECTION 1.  Section 441.003, Government Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a)  Subject to the approval of the commission, the director and librarian shall appoint an assistant state librarian, a state archivist, a state records administrator, a state information governance coordinator, and other assistants and employees necessary to fulfill the duties of the commission and the director and librarian as prescribed by law.

(f)  The state information governance coordinator is a position in the commission's records management division. The coordinator shall:

(1)  ensure records management programs are implemented by state agencies;

(2)  assist state agencies in complying with the agencies' records management programs; and

(3)  increase overall awareness and outreach for state agency records management programs.

SECTION 2.  Section 441.183, Government Code, is amended to read as follows:

Sec. 441.183.  RECORDS MANAGEMENT PROGRAMS IN STATE AGENCIES. (a) The agency head of each state agency shall:

(1)  establish and maintain a records management program on a continuing and active basis;

(2)  create and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency designed to furnish information to protect the financial and legal rights of the state and any person affected by the activities of the agency;

(3)  make certain that all records of the agency are passed to the agency head's successor in the position of agency head;

(4)  identify and take adequate steps to protect confidential and vital state records;

(5)  cooperate with the commission in the conduct of state agency records management surveys; and

(6)  cooperate with the commission, the director and librarian, and any other authorized designee of the director and librarian in fulfilling their duties under this subchapter.

(b)  As part of a records management program established under Subsection (a), the agency head of a state agency shall require training for agency employees, annually and on employment with the agency, regarding the records management program, including the agency's approved records retention schedule.

SECTION 3.  Subchapter L, Chapter 441, Government Code, is amended by adding Section 441.1856 to read as follows:

Sec. 441.1856.  DATA CLASSIFICATION, SECURITY, AND RETENTION REQUIREMENTS. At the initiation of a project, a state agency shall classify the data produced from or used in the project and determine appropriate data security and retention requirements for each classification.

SECTION 4.  Section 2054.0286, Government Code, is amended to read as follows:

Sec. 2054.0286.  CHIEF DATA OFFICER [~~STATEWIDE DATA COORDINATOR~~]. (a) The executive director, using existing department funds, shall employ a chief data officer [~~statewide data coordinator~~] to:

(1)  improve the control and security of information collected by state agencies;

(2)  promote between state agencies the sharing of information, including customer information; [~~and~~]

(3)  reduce information collection costs incurred by this state; and

(4)  assist the department in the development and management of a data portal for use by state agencies.

(b)  The chief data officer [~~statewide data coordinator~~] shall develop and implement best practices among state agencies to:

(1)  improve interagency information coordination;

(2)  reduce duplicative information collection;

(3)  increase accountability and ensure compliance with statutes and rules requiring agencies to share information;

(4)  improve information management and analysis to increase information security, uncover fraud and waste, reduce agency costs, improve agency operations, and verify compliance with applicable laws;

(5)  encourage agencies to collect and post on the agencies' Internet websites or the data portal managed by the department information related to an agency's [~~agency~~] functions or other data maintained by the agency that is in an open file format and is machine-readable, exportable, and easily accessible by the public; and

(6)  encourage the evaluation of open document formats for storing data and documents generated by state agencies.

(c)  Each state agency shall cooperate with the chief data officer [~~statewide data coordinator~~] in fulfilling the requirements of this section.

[~~(d)  This section expires September 1, 2021.~~]

SECTION 5.  Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.069 to read as follows:

Sec. 2054.069.  STRATEGY FOR DATA STORAGE. (a) In this section:

(1)  "Archival state record" has the meaning assigned by Section 441.180.

(2)  "Statewide technology center" has the meaning assigned by Section 2054.375.

(b)  The department, in collaboration with the Texas State Library and Archives Commission, shall develop a strategy for state agencies, consistent with state records management and archival practices, regarding the:

(1)  transfer of appropriate archival state records of the agency that are in electronic format to the commission for inclusion in the state archives program established under Section 441.181; and

(2)  use of a statewide technology center for long-term non-archival records storage.

SECTION 6.  Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.137 to read as follows:

Sec. 2054.137.  DESIGNATED DATA MANAGEMENT OFFICER. Each state agency with more than 150 full-time employees shall designate a full-time employee of the agency to serve as a data management officer. The data management officer shall:

(1)  coordinate with the chief data officer under Section 2054.0286; and

(2)  consider posting the agency's open data on the data portal managed by the department.

SECTION 7.  As soon as practicable after the effective date of this Act, the Department of Information Resources shall adopt rules to implement Section 2054.0286, Government Code, as amended by this Act.

SECTION 8.  This Act takes effect September 1, 2019.