

By: Capriglione

H.B. No. 1784

Substitute the following for H.B. No. 1784:

By: Parker

C.S.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. Subchapter L, Chapter 441, Government Code, is amended by adding Section 441.1825 to read as follows:

Sec. 441.1825. STATE INFORMATION GOVERNANCE COORDINATOR.

(a) The director and librarian shall employ a state information governance coordinator in the commission's records management division.

(b) The state information governance coordinator shall:

(1) ensure records management programs are implemented by state agencies for all media types;

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

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

(4) coordinate with the Department of Information Resources to ensure state agencies comply with this subchapter and the strategy developed under Section 2054.069.

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

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

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

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

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

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

19           (b) This subsection applies only to a state agency that is a  
20 department, commission, board, office, or other agency in the  
21 executive branch of state government. This subsection does not  
22 apply to an institution of higher education, as defined by Section  
23 61.003, Education Code. As part of a records management program  
24 established under Subsection (a), the agency head of a state agency  
25 to which this subsection applies shall require training for agency  
26 employees, annually and on employment with the agency, regarding  
27 the records management program, including the agency's approved

1 records retention schedule.

2 SECTION 3. Subchapter L, Chapter 441, Government Code, is  
3 amended by adding Sections 441.1856 and 441.1857 to read as  
4 follows:

5 Sec. 441.1856. TEXAS DIGITAL ARCHIVE. (a) The commission  
6 shall maintain and operate a digital repository for the  
7 preservation of and access to permanently valuable archival state  
8 records, reports, and publications.

9 (b) The commission, in collaboration with the Department of  
10 Information Resources, shall develop a strategy, consistent with  
11 state records management and archival practices, for state agencies  
12 to transfer appropriate archival state records that are in  
13 electronic format to the commission for inclusion in the digital  
14 repository described by Subsection (a).

15 Sec. 441.1857. DATA CLASSIFICATION, SECURITY, AND  
16 RETENTION REQUIREMENTS. At the initiation of a project, a state  
17 agency shall classify the data produced from or used in the project  
18 and determine appropriate data security and retention requirements  
19 for each classification.

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

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

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

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

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

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

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

9           (1) improve interagency information coordination;

10          (2) reduce duplicative information collection;

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

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

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

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

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

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

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

4 Sec. 2054.069. STRATEGY FOR DATA STORAGE. (a) In this  
5 section, "statewide technology center" has the meaning assigned by  
6 Section 2054.375.

7 (b) The department, in collaboration with the Texas State  
8 Library and Archives Commission, shall develop a strategy for the  
9 use of a statewide technology center for long-term non-archival  
10 records storage.

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

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

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

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

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

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