

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22            (1) improve interagency information coordination;

23            (2) reduce duplicative information collection;

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

26            (4) improve information management and analysis to  
27 increase information security, uncover fraud and waste, reduce

1 agency costs, improve agency operations, and verify compliance with  
2 applicable laws;

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

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

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

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

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

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

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

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

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

27 (1) transfer of appropriate archival state records of

1 the agency that are in electronic format to the commission for  
2 inclusion in the state archives program established under Section  
3 441.181; and

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

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

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

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

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

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

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