87R5950 YDB-D

By:  Stucky H.B. No. 1833

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the sale by a state agency of information that identifies an individual.

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

SECTION 1.  Subtitle B, Title 10, Government Code, is amended by adding Chapter 2062 to read as follows:

CHAPTER 2062. RESTRICTIONS ON SALE BY STATE AGENCY OF CERTAIN INDIVIDUAL-IDENTIFYING INFORMATION

Sec. 2062.001.  DEFINITION. In this chapter, "state agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state. The term includes a university system or an institution of higher education as defined by Section 61.003, Education Code.

Sec. 2062.002.  APPLICABILITY. This chapter does not apply to the release of public information under Chapter 552 or to any charge for providing copies of public information under that chapter.

Sec. 2062.003.  PROHIBITED SALES. (a) Subject to Subsection (b), a state agency may not sell to any person information that alone or in conjunction with other information identifies an individual, including information obtained for:

(1)  a driver's license, personal identification certificate, motor vehicle registration, or any other license, certification, or registration issued to an individual by a state agency; or

(2)  an application for a license, certificate, or registration described in Subdivision (1).

(b)  A state agency may sell information described by Subsection (a) in accordance with federal and other state law to a person only if the person certifies in writing that the person will not sell the information to another person.

Sec. 2062.004.  INJUNCTIVE RELIEF. (a) The attorney general may institute an action for injunctive relief against a person who appears to be in violation of or is threatening to violate this chapter.

(b)  In an injunction issued under this section, a court may include reasonable requirements to prevent further violations of this chapter.

(c)  The attorney general shall file an action under this section in a district court in Travis County or the county in which the violation occurred.

(d)  The attorney general may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

Sec. 2062.005.  WAIVER OF SOVEREIGN IMMUNITY. Sovereign immunity of a state agency to suit and from liability is waived and abolished to the extent of liability created by this chapter.

SECTION 2.  Chapter 2062, Government Code, as added by this Act, applies only to information sold by a state agency to another person on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2021.