

AN ACT

relating to the disclosure of certain utility customer information.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1331 to read as follows:

Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED UTILITY CUSTOMER INFORMATION. (a) In this section:

(1) "Advanced metering system" means a utility metering system that collects data at regular intervals through the use of an automated wireless or radio network.

(2) "Government-operated utility" has the meaning assigned by Section 182.051, Utilities Code.

(b) Except as provided by Subsection (c) of this section and Section 182.052, Utilities Code, information maintained by a government-operated utility is excepted from the requirements of Section 552.021 if it is information that:

(1) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage; or

(2) reveals whether:

(A) an account is delinquent or eligible for disconnection; or

(B) services have been discontinued by the government-operated utility.

1 (c) A government-operated utility must disclose information
2 described by Subsection (b)(1) to a customer of the utility or a
3 representative of the customer if the information directly relates
4 to utility services provided to the customer and is not
5 confidential under law.

6 SECTION 2. The heading to Subchapter B, Chapter 182,
7 Utilities Code, is amended to read as follows:

8 SUBCHAPTER B. DISCLOSURE [~~CONFIDENTIALITY~~] OF CUSTOMER
9 INFORMATION

10 SECTION 3. The heading to Section 182.052, Utilities Code,
11 is amended to read as follows:

12 Sec. 182.052. DISCLOSURE [~~CONFIDENTIALITY~~] OF PERSONAL
13 INFORMATION.

14 SECTION 4. Sections 182.052(a), (b), (c), and (d),
15 Utilities Code, are amended to read as follows:

16 (a) Except as provided by Section 182.054, a
17 government-operated utility may not disclose personal information
18 in a customer's account record, or any information relating to the
19 volume or units of utility usage or the amounts billed to or
20 collected from the individual for utility usage, unless [~~if~~] the
21 customer requests that the government-operated utility disclose
22 [~~keep~~] the information [~~confidential~~]. [~~However, a~~
23 ~~government-operated utility may disclose information related to~~
24 ~~the customer's volume or units of utility usage or amounts billed to~~
25 ~~or collected from the individual for utility usage if the primary~~
26 ~~source of water for such utility was a sole-source designated~~
27 ~~aquifer.~~]

1 (b) A customer may request disclosure of information
2 described by Subsection (a) [~~confidentiality~~] by delivering to the
3 government-operated utility an appropriately marked form provided
4 under Subsection (c)(2) [~~(c)(3)~~] or any other written request for
5 disclosure [~~confidentiality~~].

6 (c) A government-operated utility shall include with a bill
7 sent to each customer or shall post on the utility's Internet
8 website:

9 (1) a notice of the customer's right to request
10 disclosure [~~confidentiality~~] under this section [~~subchapter~~]; and

11 (2) [~~a statement of the amount of any fee applicable to~~
12 ~~the request, and~~

13 [~~(3)~~] a form by which the customer may request
14 disclosure [~~confidentiality~~] by marking an appropriate box on the
15 form and returning it to the government-operated utility, either by
16 mail or electronically.

17 (d) A customer may rescind a request for disclosure under
18 this section [~~confidentiality~~] by providing the
19 government-operated utility a written request to withhold the
20 customer's [~~permission to disclose~~] personal information beginning
21 on the date the utility receives the request.

22 SECTION 5. Section 13.043(b-2), Water Code, is amended to
23 read as follows:

24 (b-2) Unless [~~If~~] a ratepayer has requested that a
25 municipally owned utility disclose [~~keep~~] the ratepayer's personal
26 information [~~confidential~~] under Section 182.052, Utilities Code,
27 the municipally owned utility may not disclose the address of the

1 ratepayer under Subsection (b-1)(2).

2 SECTION 6. Section 182.053, Utilities Code, is repealed.

3 SECTION 7. Section 552.1331, Government Code, as added by
4 this Act, applies only to a request for public information received
5 by a governmental body or officer for public information on or after
6 the effective date of this Act.

7 SECTION 8. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 872 was passed by the House on April 21, 2021, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 872 on May 28, 2021, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 872 was passed by the Senate, with amendments, on May 21, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor