

By: Bernal

H.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain government operated 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 new Section 552.161 to read as follows:

Sec. 552.161. EXCEPTION: CONFIDENTIALITY OF CERTAIN GOVERNMENT OPERATED UTILITY CUSTOMER INFORMATION. (a) In this section:

(1) "Advanced metering system" means any metering system that collects periodic 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(3), Utilities Code.

(b) Information is excepted from the requirements of Section 552.021, Government Code, if it is information maintained by a government-operated utility that:

(1) discloses whether services have been discontinued or are eligible for disconnection by the government-operated utility; or

(2) is collected as part of an advanced metering system for usage, services, and billing, including, amounts billed or collected for utility usage, except that all such information is to be made available to that customer or their designated

1 representative.

2 (c) The exception to public disclosure created by this
3 section is in addition to any exception created by Section 552.101,
4 Government Code, including information made confidential by law
5 pursuant to Section 182.052, Utilities Code. Public access to
6 customer billing information covered by 552.101, Government Code,
7 is denied to the extent provided by that section.

8 SECTION 2. Section 182.052(a), (b), (c), and (d), Utilities
9 Code, is amended to read as follows:

10 (a) Except as provided by Section 182.054, a
11 government-operated utility may not disclose personal information
12 in a customer's account record, or any information relating to the
13 volume or units of utility usage or the amounts billed to or
14 collected from the individual for utility usage, unless ~~if~~ the
15 customer requests that the government-operated utility disclose
16 such information ~~keep the information confidential~~. However, a
17 government-operated utility may disclose information related to
18 the customer's volume or units of utility usage per billing cycle ~~or~~
19 ~~amounts billed to or collected from the individual for utility~~
20 ~~usage~~ if the primary source of water for such utility was a
21 sole-source designated aquifer.

22 (b) A customer may request disclosure of the information
23 under Subsection (a) ~~confidentiality~~ by delivering to the
24 government-operated utility an appropriately marked form provided
25 under Subsection (c)(3) or any other written request for disclosure
26 ~~confidentiality~~.

27 (c) A government-operated utility shall include with a bill

1 sent to each customer or on its website:

2 (1) a notice of the customer's right to request
3 disclosure ~~confidentiality~~ under this subchapter; and

4 ~~(2) a statement of the amount of any fee applicable to~~
5 ~~the request, and~~

6 ~~(3)~~ (2) a form by which the customer may request
7 disclosure ~~confidentiality~~ by marking an appropriate box on the
8 form and returning it to the government-operated utility by mail or
9 electronically.

10 (d) A customer may rescind a request for disclosure
11 ~~confidentiality~~ by providing the government-operated utility
12 written request to treat such ~~permission to disclose~~ personal
13 information as confidential from and after the date the
14 government-operated utility receives such written request.

15 SECTION 3. Section 182.053, Utilities Code, is repealed.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2021.