

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

1 certificate, motor vehicle registration, or any other license,  
2 certification, or registration issued to an individual by a state  
3 agency; or

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

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

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

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

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

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

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

27 SECTION 2. Chapter 2062, Government Code, as added by this

H.B. No. 1833

1 Act, applies only to information sold by a state agency to another  
2 person on or after the effective date of this Act.

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