

BILL ANALYSIS

Senate Research Center

S.B. 510
By: Perry
Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, most information about occupational license holders that is maintained by state licensing agencies can be publicly disclosed to any person who submits a public information request. The proposed legislation designates certain license holder personal identifying information as confidential, and not subject to public disclosure.

S.B. 510 amends current law relating to the confidentiality of certain information maintained by state licensing agencies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.1176, Government Code, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

(a) Provides that information maintained under Chapter 81 (State Bar) is confidential and is prohibited from being disclosed to the public under Chapter 552 (Public Information) if the information:

(1) is a license application; or

(2) relates to the home address, home telephone number, electronic mail address, social security number, date of birth, driver's license number, state identification number, passport number, emergency contact information, or payment information of an individual licensed to practice law in this state.

Deletes existing text providing that information that relates to the home address, home telephone number, electronic mail address, social security number, or date of birth of a person licensed to practice law in this state that is maintained under Chapter 81 is confidential and is prohibited from being disclosed to the public under this chapter if the person to whom the information relates chooses to restrict public access to the information and notifies the State Bar of Texas of the person's choice, in writing or electronically, on a form provided by the state bar.

(d) Provides that Subsection (a) does not make confidential or except from required public disclosure the name, state bar identification number, membership class, or eligibility to practice law of an applicant for a license, a license holder, or a person who previously held a license.

(e) Provides that, to the extent of any conflict, Section 552.1176 (Confidentiality of Certain Information Maintained by State Bar) prevails over another law that authorizes or requires the release of information maintained by the State Bar of Texas.

SECTION 2. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.11765, as follows:

Sec. 552.11765. CONFIDENTIALITY OF CERTAIN INFORMATION MAINTAINED BY STATE LICENSING AUTHORITY. (a) Defines "license."

(b) Provides that information maintained by a governmental body described by Section 552.003(1)(A)(i) (relating to the definition of "governmental body" including certain types of state entities), except as provided by Subsections (c) and (d), is confidential and excepted from the requirements of Section 552.021 (Availability of Public Information) if the information:

(1) is a license application; or

(2) relates to the home address, home telephone number, electronic mail address, social security number, date of birth, driver's license number, or state identification number, passport number, emergency contact information, or payment information of:

(A) an applicant for a license issued by the governmental body;

(B) an individual who holds a license issued by the governmental body; or

(C) an individual who previously held a license issued by the governmental body.

(c) Provides that Subsection (b) does not make confidential or except from required public disclosure the name, license number, or license status of an applicant for a license, a license holder, or an individual who previously held a license.

(d) Provides that Subsection (b), for a license issued under certain chapters, does not prohibit the disclosure of:

(1) the last four digits of the social security number of a license holder in connection with a verification of employability or an employee misconduct registry search provided by the Health and Human Services Commission;

(2) a home address where activity regulated by the licensing authority occurs; or

(3) an e-mail address or phone number associated with activity regulated by the licensing authority.

(e) Provides that this section, to the extent of any conflict, prevails over another law that authorizes or requires the release of information maintained by a governmental body.

SECTION 3. Amends Subchapter D, Chapter 507, Occupations Code, by adding Section 507.161, as follows:

Sec. 507.161. CONFIDENTIALITY OF HOME ADDRESS AND TELEPHONE NUMBER. Provides that the home address and telephone number of a license holder, except as provided by Section 507.160(d) (relating to providing that the home address of a license holder that is included in a registry the Texas Behavioral Health Executive Council prepares under Section 507.160 (Annual Registry) is public information and is not excepted from required disclosure under Chapter 552, Government Code), are confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 4. Repealer: Section 552.1176(b) (relating to relating to providing that a choice concerning confidentiality remains valid until rescinded in writing or electronically by the person), Government Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2023.