

AN ACT

relating to the protection of personal identifying information of certain individuals in the judicial system; creating a criminal offense.

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

SECTION 1. The heading to Subtitle H, Title 2, Government Code, is amended to read as follows:

SUBTITLE H. INFORMATION RESOURCES AND SECURITY

SECTION 2. Subtitle H, Title 2, Government Code, is amended by adding Chapter 92 to read as follows:

CHAPTER 92. PROTECTION OF PERSONAL IDENTIFYING INFORMATION OF
AT-RISK INDIVIDUALS

Sec. 92.001. DEFINITIONS. In this chapter:

(1) "At-risk individual" means:

(A) a judge, as defined by Section 33.001;

(B) a court clerk; and

(C) an employee of a state court, a court clerk, the office, or another agency in the judicial branch of state government.

(2) "Court clerk" means the clerk of a state court.

(3) "Covered information":

(A) means:

(i) a home address, including primary and secondary residences;

1 (ii) a home or personal telephone number,
2 including a mobile telephone number, used exclusively for purposes
3 other than a business or commercial purpose;

4 (iii) an e-mail address;

5 (iv) a social security number or driver's
6 license number;

7 (v) bank account, credit card, or debit
8 card information;

9 (vi) a license plate number or other unique
10 identifier of a vehicle owned, leased, or regularly used;

11 (vii) the identity of a child younger than
12 18 years of age;

13 (viii) a person's date of birth;

14 (ix) information regarding current or
15 future school or day care attendance, including the name or address
16 of the school or day care, schedules of attendance, or routes taken
17 to or from the school or day care;

18 (x) employment information, including the
19 name or address of the employer, employment schedules, or routes
20 taken to or from the employer's location; and

21 (xi) photographs or videos that reveal
22 information listed in Subparagraphs (i)-(x); and

23 (B) does not include:

24 (i) information regarding employment with a
25 state agency; or

26 (ii) the display of a property address on a
27 real estate or mapping Internet website, provided the address is

1 not displayed in connection with ownership, occupancy, or other
2 personal identifying information.

3 (4) "Data broker" has the meaning assigned by Section
4 509.001, Business & Commerce Code, as added by Chapter 963
5 (S.B. 2105), Acts of the 88th Legislature, Regular Session, 2023.
6 The term does not include a commercial entity that:

7 (A) is engaged in the business of:

8 (i) reporting, news-gathering, speaking,
9 or engaging in other activities intended to inform the public on
10 matters of public interest or public concern;

11 (ii) providing 411 directory assistance or
12 directory information services, including name, address, and
13 telephone number, on behalf of or as a function of a
14 telecommunications carrier;

15 (iii) using personal information
16 internally, by providing access to businesses under common
17 ownership or affiliated by corporate control, or selling or
18 providing data for a transaction or service requested by or
19 concerning the individual whose personal information is being
20 transferred;

21 (iv) providing publicly available
22 information using real-time or near real-time alert services for
23 health or safety purposes; or

24 (v) collecting and selling or licensing
25 covered information incidental to conducting the activities
26 described by this subdivision; or

27 (B) is engaged in business as:

1 (i) a consumer reporting agency subject to
2 Chapter 20, Business & Commerce Code, and the Fair Credit Reporting
3 Act (15 U.S.C. Section 1681 et seq.);

4 (ii) a financial institution subject to the
5 Gramm-Leach-Bliley Act (Pub. L. No. 106-102) and regulations
6 implementing that Act; or

7 (iii) a covered entity for purposes of the
8 privacy regulations promulgated under Section 264(c), Health
9 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
10 Section 1320d-2 note).

11 (5) "Immediate family member" means an individual
12 related to another individual within the first degree by
13 consanguinity or affinity, as described by Subchapter B, Chapter
14 573. The term includes a foster child, ward, legal dependent, or
15 individual residing in the same household.

16 (6) "Office" means the Office of Court Administration
17 of the Texas Judicial System.

18 (7) "Person" has the meaning assigned by Section 1.07,
19 Penal Code.

20 (8) "State agency" means a public entity in the
21 executive, judicial, or legislative branch of state government.

22 (9) "State court" means:

23 (A) the supreme court or the court of criminal
24 appeals;

25 (B) an appellate court, district court, or
26 division of the business court;

27 (C) a county court, constitutional county court,

1 statutory county court, or statutory probate court;

2 (D) a justice court; or

3 (E) a municipal court.

4 Sec. 92.002. PROHIBITED DISSEMINATION OF COVERED
5 INFORMATION. (a) Except as provided by Subsection (b), a person
6 may not knowingly sell, license, trade for consideration, transfer,
7 purchase, or otherwise disseminate covered information of an
8 at-risk individual or an immediate family member of the individual
9 if the individual, or the office, acting on the individual's
10 behalf, submits to the person a written request for the person not
11 to sell, license, trade for consideration, transfer, purchase, or
12 otherwise disseminate the information.

13 (b) Subsection (a) does not apply to:

14 (1) the dissemination of personal information as part
15 of a news story, commentary, editorial, or other speech on a matter
16 of public concern to which the information is relevant;

17 (2) personal information voluntarily published by the
18 at-risk individual or family member of the individual to whom the
19 information refers;

20 (3) the dissemination of personal information at the
21 request of the individual or family member or as necessary to
22 effectuate a request of the individual or family member;

23 (4) a business's internal use of the personal
24 information of the individual or family member, including
25 dissemination of the information to a business under common
26 ownership or affiliated by corporate control, or for a transaction
27 or service requested by or concerning the individual or family

1 member;

2 (5) a business providing publicly available
3 information through real-time or near real-time alert services for
4 health or safety purposes;

5 (6) a business engaged in the collection, maintenance,
6 disclosure, sale, communication, or use of personal information
7 relating to a consumer's credit worthiness, credit standing, credit
8 capacity, character, general reputation, personal characteristics,
9 or mode of living for use in a consumer credit report, or by a user
10 of a consumer credit report to the extent the collection,
11 maintenance, disclosure, sale, communication, or use is regulated
12 by and authorized under the Fair Credit Reporting Act (15 U.S.C.
13 Section 1681 et seq.);

14 (7) a consumer reporting agency subject to the Fair
15 Credit Reporting Act (15 U.S.C. Section 1681 et seq.);

16 (8) a business using personal information collected,
17 processed, sold, or disclosed in compliance with the Driver's
18 Privacy Protection Act of 1994 (18 U.S.C. Section 2721 et seq.);

19 (9) a business using personal information to:

20 (A) prevent, detect, protect against, or respond
21 to security incidents, identity theft, fraud, harassment,
22 malicious or deceptive acts, or any other illegal activity;

23 (B) preserve the integrity or security of
24 computer systems; or

25 (C) investigate, report, or prosecute a person
26 for engaging in conduct described by Paragraph (A);

27 (10) a financial institution, affiliate of a financial

institution, or data subject to Title V, Gramm-Leach-Bliley Act (15 U.S.C. Section 6801 et seq.);

(11) a covered entity or business associate for purposes of the privacy regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.);

(12) an insurance or insurance support organization;

(13) a law enforcement agency, law enforcement support organization, or vendor that provides data support services to a law enforcement agency;

(14) the provision of information by 411 directory assistance or a directory information service, including the provision of a name, address, or telephone number, by or on behalf of a telecommunications carrier;

(15) personal information contained in:

(A) real property records;

(B) uniform commercial code filings and tax liens; or

(C) any other records maintained by a governmental entity evidencing title to, or any lien, judgment, or other encumbrance on, real or personal property; or

(16) the collection and sale or licensing of covered information incidental to conducting activities described in this subsection.

Sec. 92.003. PROHIBITED DISPLAY OF COVERED INFORMATION.

(a) Except as provided by Subsection (b), a person, including a data broker, may not publicly post or display on a publicly

1 accessible Internet website covered information of an at-risk
2 individual or an immediate family member of the individual if the
3 at-risk individual, or the office, acting on the individual's
4 behalf, submits a written request to that person not to disclose or
5 acquire the covered information subject to the request.

6 (b) Subsection (a) does not apply to:

7 (1) covered information of an at-risk individual or an
8 immediate family member of the individual displayed on a publicly
9 accessible Internet website as part of a news story, commentary,
10 editorial, or other speech on a matter of public concern to which
11 the information is relevant;

12 (2) covered information voluntarily posted on the
13 Internet by the individual or immediate family member to whom the
14 information refers; or

15 (3) covered information disseminated by a
16 governmental entity or an employee or agent of a governmental
17 entity.

18 Sec. 92.004. DUTY TO REMOVE COVERED INFORMATION. After
19 receiving a written request under Section 92.002 or 92.003, a
20 person, including a data broker, shall:

21 (1) not later than the 10th business day after the date
22 the request is received:

23 (A) remove from the Internet website the covered
24 information identified in the request;

25 (B) ensure the information is not made available
26 on any other publicly accessible Internet website or subsidiary
27 website the person controls; and

1 (C) identify any other instances of the
2 information that should be removed; and

3 (2) assist the requestor in locating the covered
4 information posted on any publicly accessible Internet website or
5 subsidiary website controlled by the person.

6 Sec. 92.005. OFFICE PROCEDURES. The judicial security
7 division of the office shall develop a process by which a judge can
8 file a written request with the director of the office to notify a
9 person, including a data broker, on the judge's behalf, of a written
10 request submitted by the judge to remove covered information posted
11 or displayed by the person on a publicly accessible Internet
12 website.

13 Sec. 92.006. TRANSFER. (a) Except as provided by
14 Subsection (b) and Section 92.002(b), after receiving a written
15 request under Section 92.003, a person, including a data broker,
16 may not transfer the covered information to any other person
17 through any medium.

18 (b) Subsection (a) does not apply to:

19 (1) the transfer of the covered information as part of
20 a news story, commentary, editorial, or other speech on a matter of
21 public concern to which the information is relevant;

22 (2) covered information voluntarily posted on the
23 Internet by the at-risk individual or the immediate family member
24 of the individual to whom the information refers; or

25 (3) a transfer of the covered information:

26 (A) at the request of the individual or family
27 member; or

1 (B) as necessary to produce a request to the
2 person from the individual or family member.

3 Sec. 92.007. CIVIL REMEDIES. (a) If the covered
4 information of an at-risk individual or an immediate family member
5 of the individual is made public as a result of a violation of this
6 chapter, the at-risk individual may bring an action in a court
7 seeking injunctive or declaratory relief.

8 (b) If the plaintiff prevails in an action brought under
9 Subsection (a), the court, in addition to issuing an order for
10 injunctive or declaratory relief, may:

11 (1) impose a fine of \$500 for each day the covered
12 information remains public after the date on which the order for
13 injunctive or declaratory relief is issued; and

14 (2) if the defendant is not a state agency, award to
15 the at-risk individual, or the individual's immediate family,
16 exemplary damages, court costs, and reasonable attorney's fees.

17 Sec. 92.008. CRIMINAL OFFENSES. (a) A person commits an
18 offense if:

19 (1) the person intentionally posts covered
20 information of an at-risk individual or an immediate family member
21 of the individual on a publicly accessible Internet website without
22 first obtaining the consent of the individual or family member to
23 whom the information refers;

24 (2) the information is posted with intent to cause or
25 threaten to cause harm to or harassment of an at-risk individual or
26 the individual's immediate family member; and

27 (3) under the circumstances, harm to or harassment of

1 the at-risk individual or immediate family member is a probable
2 consequence of the posting of the information.

3 (b) A person other than a data broker commits an offense if
4 the person does not remove from a publicly accessible Internet
5 website controlled by the person covered information identified in
6 a written request submitted under Section 92.003 within 10 business
7 days of receiving the request.

8 (c) An offense under this section is a Class B misdemeanor,
9 except the offense is a Class A misdemeanor if the offense results
10 in the bodily injury of:

11 (1) the at-risk individual whose covered information
12 was posted on the Internet website; or

13 (2) an immediate family member of the individual.

14 SECTION 3. (a) Chapter 92, Government Code, as added by
15 this Act, applies only to covered information posted on a publicly
16 accessible Internet website on or after the effective date of this
17 Act.

18 (b) Sections 92.003 and 92.004, Government Code, as added by
19 this Act, apply to covered information available on a publicly
20 accessible Internet website on or after the effective date of this
21 Act, regardless of the date on which the information was originally
22 posted.

23 (c) The Office of Court Administration of the Texas Judicial
24 System is required to implement Section 92.005, Government Code, as
25 added by this Act, only if the legislature appropriates money
26 specifically for that purpose. If the legislature does not
27 appropriate money specifically for that purpose, the office may,

1 but is not required to, implement Section 92.005 using other
2 appropriations available for that purpose.

3 (d) The Office of Court Administration of the Texas Judicial
4 System may develop or procure a statewide technology system to
5 automate the process described in Section 92.005, Government Code,
6 as added by this Act.

7 (e) Section 92.008, Government Code, as added by this Act,
8 applies only to an offense committed on or after the effective date
9 of this Act. For purposes of this section, an offense is committed
10 before the effective date of this Act if any element of the offense
11 occurs before that date.

12 SECTION 4. It is the intent of the 89th Legislature, Regular
13 Session, 2025, that the amendments made by this Act to Section
14 92.001(4), Government Code, be harmonized with another Act of the
15 89th Legislature, Regular Session, 2025, relating to
16 nonsubstantive additions to and corrections in enacted codes.

17 SECTION 5. This Act takes effect September 1, 2025.

H.B. No. 5081

President of the Senate

Speaker of the House

I certify that H.B. No. 5081 was passed by the House on May 14, 2025, by the following vote: Yeas 140, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 5081 on May 28, 2025, by the following vote: Yeas 114, Nays 22, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 5081 was passed by the Senate, with amendments, on May 26, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor