

## **BILL ANALYSIS**

Senate Research Center  
81R24755 ACP-F

C.S.S.B. 1912  
By: Duncan  
State Affairs  
4/24/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Birth dates of active and former employees of governmental bodies are currently available to the public under the Texas attorney general's interpretation of the Texas Public Information Act (TPIA). Also under TPIA, any governmental employee's name, title, sex, ethnicity, dates of employment, employing agency, salary, and other similar information is publicly available. Requiring the release of governmental employees' dates of birth puts current and former employees at a greater risk for identity theft.

Currently, TPIA allows for protection of current and former governmental employees' Social Security numbers, home addresses, home telephone numbers, and information about family members.

C.S.S.B. 1912 amends current law relating to the disclosure of personality identifiable information under the public information law.

### **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 Subchapter C, Chapter 552, Government Code, by adding Section 552.150, as follows:

Sec. 552.150. EXCEPTION: DATES OF BIRTH OF EMPLOYEES OF GOVERNMENTAL BODIES. (a) Provides that the date of birth, excluding the month and year, of a current or former official or employee of a governmental body that is collected or maintained in a governmental body's personnel, payroll, or employment records is excepted from the requirements of Section 552.021 (Availability of Public Information).

(b) Authorizes a governmental body to redact the date of birth, excluding the month and year, of a current or former official or employee of a governmental body from any information collected or maintained in a governmental body's personnel, payroll, or employment records that the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G (Attorney General Decisions).

SECTION 2. Amends Chapter 552, Government Code, by adding Subchapter J, as follows:

#### **SUBCHAPTER J. PERSONALLY IDENTIFIABLE INFORMATION COLLECTED BY STATE GOVERNMENTAL BODIES**

Sec. 552.371. DEFINITIONS. Defines "personally identifiable information" and "state governmental body."

Sec. 552.372. STUDY OF PERSONALLY IDENTIFIABLE INFORMATION COLLECTED BY STATE GOVERNMENTAL BODIES. (a) Requires the comptroller

of public accounts (comptroller) to perform an analysis of the amount and types of personally identifiable information collected by each state governmental body.

(b) Provides that a state governmental body, by providing public information that is confidential or otherwise excepted from required disclosure under law to the comptroller to perform the analysis required by this section, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future.

(c) Prohibits the comptroller and a task force established under this subchapter, except as provided by Section 552.374, from disclosing to a requestor or the public any information submitted to the comptroller under this section.

Sec. 552.373. TASK FORCE. (a) Authorizes the comptroller to establish a task force to assist and advise the comptroller in performing the analysis required by Section 552.372.

(b) Authorizes the comptroller to adopt a plan of operation for the task force. Requires that the plan include qualifications for the members of the task force.

(c) Authorizes the comptroller to appoint as many members to the task force as the comptroller determines are necessary. Authorizes the comptroller, in making appointments to the task force, to consider any appropriate factor, including a person's expertise. Requires a task force to include certain members from certain entities.

(d) Prohibits two or more members of the task force from being employees or officers of the same company or organization.

(e) Prohibits a person from being a public member of the task force if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) or is related to a person required to register as a lobbyist under Chapter 305 within the second degree of affinity or consanguinity.

(f) Prohibits members of the task force from receiving compensation from the state for service on the task force.

Sec. 552.374. REPORT TO LEGISLATURE. (a) Requires the comptroller, not later than December 1, 2010, to file a report with the presiding officer of each house of the legislature that identifies the personally identifiable information collected by each state governmental body.

(b) Requires that the report contain the comptroller's recommendations for legislation regarding personally identifiable information collected by a state governmental body, including recommendations on whether each state governmental body should continue to collect or maintain personally identifiable information, whether to amend the public information law to further limit the types of personally identifiable information that may be withheld from disclosure, and the effect of the recommendations made under this section.

Sec. 552.375. EXPIRATION. Provides that this subchapter expires September 1, 2011.

SECTION 3. Makes application of Section 552.150, Government Code, prospective.

SECTION 4. Effective date: September 1, 2009.