

BILL ANALYSIS

Senate Research Center

H.B. 872
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is common for water utilities to receive Public Information Act requests for customers' monthly consumption, and the addresses of ratepayers that are eligible for disconnection or have had their service disconnected. With the implementation of advanced meter infrastructure (AMI) by water utilities, there will be a large amount of data generated that will contain detailed customer consumption information. As the law is currently written, anyone could request that customer data through a Public Information Act request. Currently, customers have to fill out a privacy request form to prevent their information from being shared in a Public Information Act request. This information is gathered as a marketing tool for real estate transactions. This practice is predatory and targets people who are struggling financially. If received, this information could be used to track a customer's actions, enabling the requestor to harm the customer or their property.

H.B. 872 requires a government-operated utility to be excluded from a Public Information Act request for information disclosing whether services have been discontinued or are eligible for disconnection. This would include information being collected as part of an advanced metering system for usage, services, and billing, along with information collected for utility usage. Additionally, the bill would change the current default, and allow a customer's information to remain private until the customer opts-out of this privacy protection. This bill would increase customer data privacy standards and enable water and wastewater utilities to better protect their customers' sensitive information.

H.B. 872 amends current law relating to the disclosure of certain utility customer information.

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 552.1331, as follows:

Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED UTILITY CUSTOMER INFORMATION. (a) Defines "advanced metering system" and "government-operated utility."

(b) Provides that except as provided by Subsection (c) of this section and Section 182.052, Utilities Code, information maintained by a government-operated utility is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that:

(1) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage; or

(2) reveals whether an account is delinquent or eligible for disconnection or whether services have been discontinued by the government-operated utility.

(c) Requires a government-operated utility to disclose information described by Subsection (b)(1) to a customer of the utility or a representative of the customer if the information directly relates to utility services provided to the customer and is not confidential under law.

SECTION 2. Amends the heading to Subchapter B, Chapter 182, Utilities Code, to read as follows:

SUBCHAPTER B. DISCLOSURE OF CUSTOMER INFORMATION

SECTION 3. Amends the heading to Section 182.052, Utilities Code, to read as follows:

Sec. 182.052. DISCLOSURE OF PERSONAL INFORMATION.

SECTION 4. Amends Sections 182.052(a), (b), (c), and (d), Utilities Code, as follows:

(a) Prohibits a government-operated utility, except as provided by Section 182.054 (Exceptions), from disclosing personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, unless the customer requests that the government-operated utility disclose the information, rather than if the customer requests that the government-operated utility keep the information confidential. Deletes existing text authorizing a governmental-operated utility, to disclose information related to the customer's volume or units of utility usage or amounts billed to or collected from the individual for utility usage if the primary source of water for such utility was a sole-source designated aquifer.

(b) Authorizes a customer to request disclosure of information described by Subsection (a) by delivering to the government-operated utility an appropriately marked form provided under Subsection (c)(2) or any other written request for disclosure, rather than to request confidentiality by delivering to a government-operated utility an appropriately marked form provided under Subsection (c)(3) or any other written request for confidentiality.

(c) Requires a government-operated utility to include with a bill sent to each customer or post on the utility's Internet website:

(1) a notice of the customer's right to request disclosure under this section, rather than to request confidentiality under Subchapter B; and

(2) a form by which the customer is authorized to request disclosure, rather than to request confidentiality, by marking an appropriate box on the form and returning it to the government-operated utility, either by mail or electronically.

Deletes existing text requiring a government-operated utility to include with a bill sent to each customer a statement of the amount of any fee applicable to the request. Makes a nonsubstantive change.

(d) Authorizes a customer to rescind a request for disclosure under this section by providing the government-operated utility a written request to withhold the customer's personal information beginning on the date the utility receives the request. Deletes existing text authorizing a customer to rescind a request for confidentiality by providing the government-operated utility a written permission to disclose personal information.

SECTION 5. Amends Section 13.043(b-2), Water Code, as follows:

(b-2) Prohibits a municipally owned utility, under Section 182.052, Utilities Code, unless a ratepayer has requested that the municipally owned utility disclose the ratepayer's personal information under Section 182.052, Utilities Code, rather than if a ratepayer has requested that a municipally owned utility keep the ratepayer's personal information confidential under Section 182.052, Utilities Code, from disclosing the address of the ratepayer under Subsection (b-1)(2) (relating to authorizing ratepayers of a utility under the jurisdiction of a municipality inside the corporate limits of the municipality to appeal the decision of the governing body of the entity).

SECTION 6. Repealer: Section 182.053 (Fee), Utilities Code.

SECTION 7. Makes application of Section 552.1331, Government Code, as added by this Act, prospective.

SECTION 8. Effective date: upon passage or September 1, 2021.