

BILL ANALYSIS

C.S.H.B. 1784
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested, including by the recommendations of a recent legislative study, that state agency digital data storage and records management practices could be better optimized to reduce costs associated with unnecessarily stored data and to standardize the use of best practices across state agencies. C.S.H.B. 1784 seeks to address this issue by revising the processes, policies, and systems relating to the management and storage of state records and information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Information Resources in SECTION 7 of this bill.

ANALYSIS

C.S.H.B. 1784 amends the Government Code to change the title of the statewide data coordinator employed by the executive director of the Department of Information Resources (DIR) to the chief data officer. The bill requires the officer to assist DIR in the development and management of a data portal for use by state agencies. The bill revises the specified purposes of the best practices developed and implemented by the officer, removes the expiration date for provisions relating to the officer, and requires DIR to adopt rules to implement the bill's provisions regarding the officer.

C.S.H.B. 1784 requires DIR, in collaboration with the Texas State Library and Archives Commission (TSLAC), to develop a strategy for the use of a statewide technology center for long-term non-archival records storage. The bill requires each state agency with more than 150 full-time employees to designate a full-time agency employee as a data management officer and requires that officer to coordinate with the chief data officer and to consider posting the agency's open data on the data portal managed by DIR.

C.S.H.B. 1784 requires the TSLAC director and librarian to employ a state information governance coordinator in the TSLAC records management division. The bill requires the coordinator to ensure records management programs are implemented by applicable state agencies for all media types, assist state agencies in complying with the agencies' records management programs, increase overall awareness and outreach for state agency records management programs, and coordinate with DIR to ensure state agencies comply with provisions relating to preservation and management of state records and other historical resources and the strategy for data storage developed under the bill's provisions.

C.S.H.B. 1784 requires the agency head of a state agency, as part of the agency's records management program, to require training for agency employees, annually and on employment with the agency, regarding the program, including the agency's approved records retention schedule. This requirement applies only to a state agency that is a department, commission, board, office, or other agency in the executive branch of state government and does not apply to an institution of higher education.

C.S.H.B. 1784 requires TSLAC to maintain and operate a digital repository for the preservation of and access to permanently valuable archival state records, reports, and publications and, in collaboration with DIR, to develop a strategy, consistent with state records management and archival practices, for state agencies to transfer appropriate archival state records that are in electronic format to TSLAC for inclusion in the digital repository. The bill requires a state agency, at the initiation of a project, to classify the data produced from or used in the project and determine appropriate data security and retention requirements for each classification.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1784 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for TSLAC to maintain and operate a digital repository for the preservation of and access to certain archival state records, reports, and publications and changes from the state archives program to that repository the destination for state agency transfers of appropriate archival state records to TSLAC, as per the DIR strategy required by the bill.

The substitute changes the requirement for the TSLAC director and librarian to appoint a state information governance coordinator to a requirement for the director and librarian to employ such a coordinator. The substitute includes as a duty of the coordinator coordination with DIR to ensure state agencies comply with certain provisions relating to the management and storage of state records and information.

The substitute restricts the applicability of the required state agency employee training regarding the agency's records management program to a state agency that is a department, commission, board, office, or other agency in the executive branch of state government and excludes an institution of higher education from that applicability.