

SUBJECT: Enabling DPS to release personal information and photos to TWC

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Phillips, Darby, Bonnen, Y. Davis, Fletcher, Lavender,
Martinez, McClendon, Pickett, Rodriguez

0 nays

1 absent — Harper-Brown

WITNESSES: For — None

Against — None

On — John Moore, Texas Workforce Commission

BACKGROUND: Transportation Code, ch. 730 is the Motor Vehicle Records Disclosure Act. Sec. 730.003 defines “personal information” as information that identifies a person, including an individual’s photograph or computerized image, social security number, driver identification number, name, and address.

Sec. 730.004 prohibits the Department of Public Safety (DPS) from disclosing personal information, except:

- as required in sec. 730.005 for use in connection with motor vehicle-related matters or child support enforcement;
- as required in sec. 730.006 when the requestor has obtained the subject’s written consent; and
- as permitted in sec. 730.007 under various specified circumstances.

Under sec. 730.007, DPS may disclose only an individual’s name, address, date of birth, and driver’s license number to another government agency. DPS also may release an individual’s photograph to a law enforcement or criminal justice agency or to a state agency investigating alleged violations of law related to obtaining, selling, or purchasing benefits from certain public assistance programs.

Labor Code, Title 4 addresses unemployment insurance (UI) and employment services administered by the Texas Workforce Commission (TWC). Subtitle A regulates the unemployment compensation system, and Subtitle B regulates a range of workforce development programs and services, including subsidized child care benefits.

DIGEST:

HB 2671 would require DPS to disclose personal information, including an individual's photograph, to TWC for use in enforcement of laws related to employment services and unemployment compensation in Labor Code, Title 4. DPS would not be prohibited from releasing an individual's photograph to a state agency, such as TWC, that was investigating alleged violations of law related to obtaining, selling, or purchasing benefits from the unemployment compensation system or employment services in Labor Code, Title 4.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

The TWC Regulatory Integrity Division conducts fraud investigations involving UI and subsidized child care benefits. In these investigations, TWC uses all resources available to fully identify a suspected violator. TWC typically has access to a range of personal data on a potential violator, including often a signature and sometimes a photograph. However, TWC usually lacks a second photo to compare to its records and verify a suspect's identity.

DPS driver's license records include such photographs, but TWC cannot obtain them because DPS is neither required nor allowed to disclose them to TWC. HB 2671 would give DPS the statutory authority to grant TWC access to the data needed to confirm a fraud suspect's identity. Access to these data also would help TWC detect identity theft and prevent pursuit of an individual whose identity had been stolen and used to execute benefits fraud.

HB 2671 would increase the efficiency of TWC's benefits fraud investigations, saving the agency time and money currently spent on trying to verify suspects' identities without access to DPS photographs. Strengthening TWC's ability to prove benefits fraud also would enhance recovery of fraudulently obtained benefits, boosting public accounts such as the UI trust fund, from which those benefits were drawn. Furthermore,

the flexibility of the bill's language would allow TWC to use the data to investigate fraud suspected in any Title 4 program. HB 2671 would create these efficiencies at TWC without adding cost to DPS operations.

Precedent exists for granting TWC access to DPS photos and signatures for employment and unemployment program-related law enforcement and fraud investigations. For example, DPS currently must release photographs to the Office of the Attorney General for use in child support enforcement. Similarly, DPS is permitted to release photographs to any state agency investigating public benefits fraud connected to certain financial and nutritional assistance programs.

To the extent possible, TWC already collects photographs from non-DPS sources such as ATM cameras, local law enforcement, and the U.S. Department of Labor. Any additional data obtained from DPS would not represent a substantive expansion of the types of personal data in TWC's possession, and TWC would apply the same data security measures used for the transmission and storage of non-DPS-originated data to the transmission and storage of DPS-originated data.

OPPONENTS
SAY:

HB 2671 would violate individual privacy rights by sharing exceptionally sensitive personal data between state agencies without consent from the individual. This nonconsensual spreading of personal data would be yet another tool for the government to gather more and more information on private citizens.

By expanding access to personal information on driver's licenses, this bill could provide computer network hackers with new data transmissions and storage systems to exploit for access to this private information. Consequently, the bill actually could lead to more identity theft, rather than less.

OTHER
OPPONENTS
SAY:

Granting TWC access to DPS data would be reasonable and justified for the specific, stated purposes of investigating UI and child care benefits fraud, but HB 2671 would grant TWC access for enforcement of any law in Labor Code, Title 4, which regulates a much broader range of workforce development programs and employment services than just UI and subsidized child care benefits. The bill language should be more narrowly tailored to grant TWC access to DPS data only for needed, specified purposes.