

## BILL ANALYSIS

Senate Research Center  
77R9133 JRD-D

H.B. 1922  
By: McCall (Duncan)  
State Affairs  
4/30/2001  
Engrossed

### **DIGEST AND PURPOSE**

Recent advances in technology have produced new ways of collecting, storing, and retrieving information with greater ease than before. However, these advances may cause individuals to feel relatively helpless in controlling how their personal information is being used by the government. H.B. 1922 establishes guidelines for the state in personal information collection that paces technology advances. The bill requires each state governmental body that collects information about an individual, either through a paper or electronic format, to prominently state that the individual is entitled to receive and review the information collected. H.B. 1922 mandates each state governmental body to establish a reasonable procedure for correcting personal information without imposing a charge on the individual, unless the provision conflicts with the open record requirements. H.B. 1922 also creates a state privacy task force to research privacy issues and recommend legislation to protect personal information collected by the state.

### **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 Title 5A, Government Code, by adding Chapter 559, as follows:

#### **CHAPTER 559. STATE GOVERNMENT PRIVACY POLICIES**

Sec. 559.001. DEFINITIONS. Defines “state governmental body.”

Sec. 559.002. RIGHT TO BE INFORMED ABOUT INFORMATION COLLECTED. Provides that it is the policy of this state that an individual is entitled to be informed about information that a state governmental body (body) collects about the individual unless the state governmental body is allowed to withhold the information from the individual under Section 552.023.

Sec. 559.003. RIGHT TO NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES. Requires each body that collects information about an individual by means of a form completed by an individual and files with the body in a paper or electronic format on an Internet site to prominently state certain information on the paper form and prominently post on the Internet site in connection with the electronic form. Requires each body that collects information about an individual by means of an Internet site or that collects information about the computer network location or identity of a user of the Internet site to prominently post on the Internet site what information is being collected through the site about the individual or about the computer network location or identity of a user of the site, including what information is being collected by means that are not obvious.

Sec. 559.004. RIGHT TO CORRECTION OF INCORRECT INFORMATION. Requires

each body to establish a reasonable procedure under which an individual is entitled to have the body correct information about the individual that is possessed by the body and that is incorrect. Prohibits the procedure from unduly burdening an individual using the procedure.

**Sec. 559.005. APPLICABILITY OF AND CONSTRUCTION WITH PUBLIC INFORMATION LAW.** Provides that Chapter 552 governs the charges that a body may impose on an individual who requests information the body collects about the individual. Prohibits the body from charging an individual to correct information about the individual. Provides that to the extent of a conflict between this chapter and the public information law, that law controls.

**SECTION 2.** (a) Requires the lieutenant governor and the speaker of the house of representatives to establish a privacy task force to study issues related to the information practices of state government that affect personal privacy.

- (b) Requires the lieutenant governor and the speaker to each appoint five members to the task force. Requires the lieutenant governor and the speaker, in making the appointments, to make an effort to ensure that the composition of the task force includes members with a demonstrated interest in and knowledge regarding certain information.
- (c) Requires the task force to elect a presiding officer and assistant presiding officer from among its members.
- (d) Requires the task force to meet as directed by the lieutenant governor and the speaker, if applicable, and otherwise as determined by the members of the task force but not less often than quarterly, beginning not later than September 30, 2001.
- (e) Requires a legislative agency to assist the task force at the request of the lieutenant governor or the speaker, and requires a state agency in the executive branch of state government to assist the task force at the request of the task force.
- (f) Requires the task force to complete certain tasks.
- (g) Requires the task force to report the results of its study and its recommendations to the lieutenant governor and the speaker by September 1, 2002.
- (h) Provides that unless continued in existence at the direction of the lieutenant governor and the speaker, the task force is abolished and this section expires September 1, 2003.

**SECTION 3.** Requires each state governmental body to be in compliance with Chapter 559, Government Code, as added by this Act, before January 1, 2002.

**SECTION 4.** Effective date: September 1, 2001.