

## **BILL ANALYSIS**

Senate Research Center

H.B. 2061  
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State Affairs  
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Engrossed

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

An opinion issued on February 21, 2007, by Texas attorney general Greg Abbott requires county and district clerks to redact Social Security numbers (SSNs) from documents filed in their offices that are available to the public via the Internet. The opinion further provides that releasing such documents may subject the clerk to criminal liabilities under state law. Clerks across the state have reacted to this opinion by limiting or denying access to their records, including Internet records, because they do not have the employees, funding, or technology to scour the numerous documents in their possession in order to redact every SSN that is present. However, title insurance companies, landmen, and the banking and real estate industries, among others, rely on daily access to such records in order to conduct their business. These businesses are experiencing difficulty in conducting their routine business under current circumstances.

As proposed, H.B. 2061 provides that a county or district clerk is not liable for the disclosure of an SSN contained in a document filed with the county or district clerk. It requires, upon written request of an individual, the redaction, from documents specified by the individual, of all but the last four numbers of an SSN unless another law requires the full SSN to be maintained on the document. The bill requires the clerks to accept documents for filing even if they contain SSNs and does not require the clerk to confirm that a document preparer actually redacted an SSN from a document.

### **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 Section 552.147, Government Code, as follows:

Sec. 552.147. New heading: SOCIAL SECURITY NUMBERS. (a) Provides that the Social Security number (SSN) of a living person is not confidential under this section and that this section does not make a living person's SSN confidential under another provision of this chapter or other law.

(b) Makes no changes to this subsection.

(c) Authorizes a county or district clerk to disclose in the ordinary course of business an SSN contained in information held by the clerk's office, and provides that disclosure is not official misconduct and does not subject the clerk to civil or criminal liability of any kind under the law of this state, including any claim for damages in a lawsuit or the criminal penalty imposed by Section 552.352.

(d) Requires the clerk, on written request from an individual or individual's representative, to remove within a reasonable amount of time all but the last four digits of the individual's SSN from information maintained in the clerk's official public records, including electronically stored information maintained by or under the control of the clerk, unless required by another law to be maintained on a particular document. Requires the individual or individual's representative, on a form provided by the clerk, to identify the specific document or documents from which the SSN is to be partially removed.

SECTION 2. Amends Section 11.008, Property Code, as follows:

Sec. 11.008. New heading: PERSONAL INFORMATION IN REAL PROPERTY RECORDS. (a) Makes no changes to this subsection.

(b) Provides that an instrument submitted for recording is not required to contain an individual's SSN, and the SSN of an individual is not obtained or maintained by the clerk under this section. Prohibits the preparer of a document from including an individual's SSN in a document that is presented for recording in the clerk's office.

(c) Redesignated from Subsection (b). Deletes a reference to the disclosure of an individual's SSN or driver's license number. Changes the notice that must be included with an instrument transferring an interest in real property to specify the authorization of a natural person to remove the person's SSN or driver's license number from any instrument that transfers an interest in real property.

(d) Redesignated from Subsection (c). Makes a conforming change.

(e) Redesignated from Subsection (d). Provides that the clerk has no duty to ensure that a recording instrument does not contain an individual's SSN, other than the removal duty required by Section 552.147, Government Code.

(f) Redesignated from Subsection (e).

(g) Redesignated from Subsection (f). Provides that the clerk is not criminally or civilly liable for disclosing an instrument or information in an instrument in compliance with the public information law (Chapter 552, Government Code) or other law.

(h) Redesignated from Subsection (g).

(i) Redesignated from Subsection (h).

SECTION 3. Effective date: upon passage or September 1, 2007.