

## **BILL ANALYSIS**

Senate Research Center

S.B. 858  
By: Johnson; Paxton  
Transportation  
5/24/2021  
Enrolled

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

Since 2013, Dallas Area Rapid Transit (DART) customers have had the ability to purchase tickets and transit passes through electronic applications, including DART.org and the GoPass mobile app. Section 452.061, Transportation Code, currently protects DART.org and GoPass app users by excepting the user's personal identifying information—such as name, address, email address, financial records, and passwords—from the Texas Public Information Act (TPIA).

As technology advances, DART's applications allow customers to purchase tickets and plan transit trips from their home, place of employment, and other locations. Due to these updated features in the application, DART collects and stores customers' personal travel itineraries such as travel time, travel date, trip origin, and destination location with address or latitudinal and longitudinal data as well as demographic information of the person scheduling the trip. If this information is released in response to a TPIA request, it could jeopardize the confidentiality of customer travel patterns and be used to identify home locations, work sites, and characteristics of individual customers.

S.B. 858 protects DART riders by clarifying that a customer's trip data, demographic information, and financial information collected by Dallas Area Rapid Transit or Trinity Metro is confidential and not subject to disclosure under Chapter 552, Government Code.

(Original Author's / Sponsor's Statement of Intent)

S.B. 858 amends current law relating to the disclosure of information collected by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, or coordinated county transportation authority under the public information law.

### **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 451.061, Transportation Code, by amending Subsection (f) and adding Subsection (g), as follows:

(f) Provides that, except as provided by Subsection (g), personal identifying information collected by a metropolitan rapid transit authority is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code, including a person's:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and

(4) other personal information, including financial information.

(g) Authorizes personal identifying information described by Subsection (f)(3) to be disclosed to a governmental agency or institution of higher education, as defined by Section 61.003 (Definitions), Education Code, by an authority if the requestor confirms in writing that the use of the information will be strictly limited to use in research or in producing statistical reports, but only if the information is not published, redisclosed, sold, or used to contact any individual.

SECTION 2. Amends Section 452.061, Transportation Code, by amending Subsection (e) and adding Subsection (f), as follows:

(e) Provides that, except as provided by Subsection (f), personal identifying information collected by a regional transportation authority is confidential and not subject to disclosure under Chapter 552, Government Code, including a person's:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and

(4) other personal information, including financial information.

(f) Authorizes personal identifying information described by Subsection (e)(3) to be disclosed to a governmental agency or institution of higher education, as defined by Section 61.003, Education Code, by an authority if the requestor confirms in writing that the use of the information will be strictly limited to use in research or in producing statistical reports, but only if the information is not published, redisclosed, sold, or used to contact any individual.

SECTION 3. Amends Section 453.104, Transportation Code, as follows:

Sec. 453.104. FARES AND OTHER CHARGES. (a) Creates this subsection from existing text and makes no further changes.

(b) Provides that, except as provided by Subsection (c), personal identifying information collected by a municipal transit department is confidential and not subject to disclosure under Chapter 552, Government Code, including a person's:

(1) name, address, e-mail address, and phone number;

(2) account number, password, payment transaction activity, toll or charge record, or credit, debit, or other payment card number;

(3) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and

(4) other personal information, including financial information.

(c) Authorizes personal identifying information described by Subsection (b)(3) to be disclosed to a governmental agency or institution of higher education, as defined by Section 61.003, Education Code, by a transit department if the requestor confirms in writing that the use of the information will be strictly limited to use in research or in producing statistical reports, but only if the information is not published, redisclosed, sold, or used to contact any individual.

SECTION 4. Amends Section 460.109, Transportation Code, as follows:

(e) Provides that, except as provided by Subsection (f), personal identifying information collected by a coordinated county transportation authority is confidential and not subject to disclosure under Chapter 552, Government Code, including a person's:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and

(4) other personal information, including financial information.

(f) Authorizes personal identifying information described by Subsection (e)(3) to be disclosed to a governmental agency or institution of higher education, as defined by Section 61.003, Education Code, by an authority if the requestor confirms in writing that the use of the information will be strictly limited to use in research or in producing statistical reports, but only if the information is not published, redisclosed, sold, or used to contact any individual.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2021.