

BILL ANALYSIS

C.S.S.B. 2152
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International Relations & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that a person who files a wage claim may be vulnerable to having their personally identifiable information accessed by means of a public information request to the Texas Workforce Commission, which could allow media outlets or attorneys seeking clients to use the information without the person's authorization. There are concerns that the availability of this information may discourage the filing of wage claims if claimants believe that they may be subject to harassment due to their filing. C.S.S.B. 2152 seeks to address this issue by providing for the confidentiality of certain wage claim data.

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 Texas Workforce Commission in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 2152 amends the Labor Code to require the Texas Workforce Commission (TWC) to adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of wage claim data, as defined by the bill. The bill requires the rules to do the following:

- include safeguards to protect the confidentiality of identifying information regarding any individual or any past or present employer or employing unit contained in the wage claim data, including any information that foreseeably could be combined with other publicly available information to reveal identifying information regarding the individual, employer, or employing unit, as applicable; and
- allow for the sharing of wage claim data with other applicable state agencies that agree to the confidentiality standards adopted by the TWC for that data.

C.S.S.B. 2152 establishes that wage claim data is not public information for purposes of state public information law. The bill excludes aggregated data that does not tend to identify an individual and information regarding violations or enforcement of statutory provisions relating to the payment of wages from the definition of "wage claim data" but authorizes the TWC to adopt rules governing the disclosure of such information.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 2152 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute expands the definition of "wage claim data" to include applicable information in a TWC record that relates to the TWC's administration of any provisions regarding the payment of wages.

The substitute includes a requirement that the rules the TWC is required to adopt must allow for the sharing of wage claim data with other state agencies that agree to the confidentiality standards adopted by the TWC for that data.