

SUBJECT: Establishing confidentiality of toll and transit users' personal information

COMMITTEE: Transportation — committee substitute recommended

VOTE: 8 ayes — Pickett, Martinez, Burkett, Fletcher, Israel, Minjarez, Murr, Simmons

0 nays

5 absent — Y. Davis, Harless, McClendon, Paddie, Phillips

SENATE VOTE: On final passage, April, 9 — 31-0, on local and uncontested calendar

WITNESSES: For — Pete Havel, North Texas Tollway Authority; (*Registered, but did not testify*: Charles Reed, Dallas County Commissioners Court)

Against — (*Registered, but did not testify*: Kelley Shannon, Freedom of Information Foundation of Texas)

On — (*Registered, but did not testify*: James Bass, Texas Department of Transportation)

BACKGROUND: Transportation Code, sec. 366.179 establishes the confidentiality of personal information related to transponders used in toll payments. Customer contact information, trip data, and payment information received by transponders are confidential and exempt from disclosure under an open records request.

DIGEST: CSSB 57 would establish the confidentiality of the personal identifying information, including payment information, of public transit riders and toll-road users who pay by mail or are exempt from tolls.

This provision extending confidentiality to pay-by-mail users of toll roads would not apply to Transportation Code, sec. 372.102(a), which permits toll entities to publish a list of the registered owners or lessees or vehicles that are liable for unpaid tolls.

CSSB 57 would take effect September 1, 2015, and would apply only to a request for information that was received by a regional tollway or transportation authority on or after that date.

**SUPPORTERS
SAY:**

CSSB 57 would protect the sensitive information of motorists who use toll roads and individuals who use public transportation.

Currently, the law protects only the paying customers of toll roads from having their personal and financial information revealed through the Public Information Act. A September 2013 opinion by the Office of the Attorney General indicated that only the information related to the transponders used to pay tolls is confidential.

Although open government and transparency are worthy goals, the state also has a responsibility to protect the private information of Texans who use toll roads and public transit. CSSB 57 would strike the right balance between the public's right to know and individuals' right to privacy. Law enforcement still could access this information in order to conduct an investigation.

Information about law enforcement and other public officials can and should be obtained through open-records requests through the specific organizations, rather than tolling authorities.

**OPPONENTS
SAY:**

CSSB 57 would close off access to information in which there is a public interest. The information that it would make confidential could be used by journalists or interested members of the public to, for instance, expose tolling companies that overcharge the public with late fees. Public scrutiny of this information could improve the toll road system for Texans.

**OTHER
OPPONENTS
SAY:**

It is understandable that private citizens want to keep their personal information private when they use toll roads and public transportation, but CSSB 57 would go too far. The bill would conceal the movements of law enforcement and other emergency vehicles on toll roads. The public has

an interest in knowing where public officials and law enforcement travel and how frequently toll roads are used by these groups.

NOTES:

CSSB 57 differs from the Senate-engrossed version in that the House substitute includes a provision that would protect the confidentiality of personal identifying information collected by a metropolitan transit authority.