

## **BILL ANALYSIS**

Senate Research Center

S.B. 1204  
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State Affairs  
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As Filed

### **DIGEST**

Currently, the Texas Department of Transportation is required to sell the contents of its *Texas Highways* magazine subscriber list under terms of the Texas Open Records Law to anyone requesting it. By order of an opinion of the attorney general, subscribers cannot prevent disclosure of personal information to those who request the subscriber list. The state is required to sell the subscriber list at the cost of reproduction to anyone who requests it. In some instances, subscribers have canceled their subscriptions upon learning that their personal information cannot be withheld. This would allow subscribers to protect the privacy of their personal information.

There are also concerns that the state is selling this personal information at cut-rate prices. Currently, the list, which consists of approximately 360,000 subscribers, sells for about \$154. Some estimates suggest the list actually has a market value of \$27,000. S.B. 1204 would allow the state to receive fair market value for sales of the list. In addition, the state has no control over who may purchase and resell the subscriber list. In some instances, list brokers purchase the subscriber list, and then market it to direct mail marketers for resale at fair market value. The state has no way of knowing which direct mail markets purchase the list from brokers. This bill would give the Texas Transportation Commission the right to determine who may purchase the list.

### **PURPOSE**

As proposed, S.B. 1204 sets forth provisions to allow subscribers to *Texas Highways* to protect their personal information, and authorizes the Texas Transportation Commission to establish policies relating to the release of subscriber information and the sale of a mailing list containing the names and address of subscribers.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Transportation Commission under SECTION 1 (Section 4, Article 6144e, V.T.C.S.) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 193, Article 6144e, V.T.C.S., by adding Section 4, as follows:

Sec. 4. DISCLOSURE OF *TEXAS HIGHWAYS* SUBSCRIBER INFORMATION OR PURCHASER INFORMATION. Prohibits the Texas Department of Transportation (department), except as provided by this section or a rule adopted by the Texas Transportation Commission, from disclosing to any person the name, address, telephone number, bank account number, credit or debit card number, or charge number of a person who is or has been a subscriber to *Texas Highways* magazine or who has purchased from the department a promotional item described by Section 3(d) of this article. Provides that Chapter 552, Government Code, does not apply to subscriber or purchaser information described by Subsection (a) of this section. Requires the Texas Transportation Commission, by rule, to establish certain policies. Sets forth requirements regarding such policies. Provides that the department is immune from civil or criminal liability if the department commits an unintentional violation of this section or a rule adopted under this section. Provides that, in this section, a reference to the department includes an officer, employee, or agent of the department.

SECTION 2. Emergency clause.  
Effective date: upon passage.