

BILL ANALYSIS

Senate Research Center

H.B. 2191
By: Wong (Williams)
State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law excepts from public disclosure information that is considered confidential by law or judicial decision. A Texas attorney general opinion (OR2004-1475) states that "a social security number is confidential under Section 552.101, Government Code, in conjunction with the 1990 amendment to the federal Social Security Act." Furthermore, Section 552.352(a-1)(1), Government Code, provides that an officer or employee of a governmental body commits an offense if the officer or employee knowingly discloses confidential information to a person who is not authorized to receive the information. However, Section 552.353, Government Code, provides that an officer or employee of a governmental body commits an offense if the officer or employee fails or refuses to give access to or provide copies of public information without relying on a court order or requesting a decision from the attorney general.

H.B. 2191 reconciles these two statutes with regard to social security numbers by exempting them from the Public Information Act. It provides that the social security number of a living person is excepted from the requirements of Section 552.021, Government Code. H.B. 2191 also allows a governmental body to redact the social security number of a living person from any information the governmental body discloses without the necessity of requesting a decision from the attorney general.

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 Subchapter C, Chapter 552, Government Code, by adding Section 552.147, as follows:

Sec. 552.147. EXCEPTION: SOCIAL SECURITY NUMBER OF LIVING PERSON. Provides that the social security number of a living person is excepted from the requirements of Section 552.021 (Availability of Public Information). Authorizes a governmental body to redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 2. Effective date: upon passage or September 1, 2005.