

BILL ANALYSIS

Senate Research Center
80R846 ACP-D

S.B. 281
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Governmental bodies receive requests under the Open Records Act for the dates of birth of various groups of employees, many times as part of a request for a government agency's entire payroll database. Due to the prevalence and danger of identity theft, some agencies prefer not to disclose this information; however, because this type of information is not specifically exempted from disclosure by the statute, they are obligated by law either to disclose the information or to seek an opinion from the attorney general authorizing the information to be withheld. Other personal information about government employees that could be used to perpetrate identity theft, such as addresses, home phone numbers, Social Security numbers, and driver's license numbers has already been exempted from disclosure under the Act.

As proposed, S.B. 281 exempts the dates of birth of current or former government employees from disclosure under the Open Records Act.

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 552.148, as follows:

Sec. 552.148. EXCEPTION: DATES OF BIRTH OF EMPLOYEES OF GOVERNMENTAL BODIES. Exempts the dates of birth of current and former employees of a governmental body from the requirements of Section 552.021 (Availability of Public Information). Authorizes a governmental body to edit out the dates of birth of current or former employees of a governmental body from any information it discloses under that section without having to request a decision from the attorney general under Subchapter G.

SECTION 2. Effective date: upon passage or September 1, 2007.