

## **BILL ANALYSIS**

Senate Research Center

S.B. 668  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

#### Background:

It is common for water utilities to receive Public Information Act requests for customers' monthly consumption, and the addresses of ratepayers that are eligible for disconnection or have had their service disconnected. With the implementation of advanced meter infrastructure by water utilities, there will be a large amount of data generated that will contain detailed customer consumption information. As the law is currently written, anyone could request that customer data through a Public Information Act request. Currently, customers have to fill out a privacy request form to prevent their information from being shared in a Public Information Act request.

This information is gathered as a marketing tool for real estate transactions. This practice is predatory and targets people who are struggling financially. If received, this information could be used to track a customer's actions, enabling the requestor to harm the customer or their property.

#### Solution:

S.B. 668 requires a government-operated utility to be excluded from a Public Information Act request on information disclosing whether services have been discontinued or are eligible for disconnection. This would include information being collected as part of an advanced metering system for usage, services, and billing, along with information collected for utility usage. Additionally, the bill would change the current default and allow the customer's information to remain private until the customer opts out of this privacy protection. This bill would increase customer data privacy standards and enable water and wastewater utilities to better protect their customers' sensitive information.

As proposed, S.B. 668 amends current law relating to the confidentiality of certain government operated utility customer information.

### **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 552.161, as follows:

Sec. 552.161. EXCEPTION: CONFIDENTIALITY OF CERTAIN GOVERNMENT OPERATED UTILITY CUSTOMER INFORMATION. (a) Defines "advanced metering system" and "government-operated utility."

(b) Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information), Government Code, if it is information maintained by a government-operated utility that:

(1) discloses whether services have been discontinued or are eligible for disconnection by the government-operated utility; or

(2) is collected as part of an advanced metering system for usage, services, and billing, including, amounts billed or collected for utility usage, except that all such information is to be made available to that customer or their designated representative.

(c) Provides that the exception to public disclosure created by this section is in addition to any exception created by Section 552.101 (Exception: Confidential Information), Government Code, including information made confidential by law pursuant to Section 182.052 (Confidentiality of Personal Information), Utilities Code. Provides that public access to customer billing information covered by 552.101, Government Code, is denied to the extent provided by that section.

SECTION 2. Amends Section 182.052(a), (b), (c), and (d), Utilities Code, as follows:

(a) Prohibits a government-operated utility, except as provided by Section 182.054 (Exceptions), from disclosing personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, unless the customer requests that the government-operated utility disclose such information, rather than if the customer requests that the government-operated utility keep the information confidential. Authorizes, however, a government-operated utility to disclose information related to the customer's volume or units of utility usage per billing cycle, rather than amounts billed to or collected from the individual for utility usage, if the primary source of water for such utility was a sole-source designated aquifer.

(b) Makes conforming changes to this subsection.

(c) Requires a government-operated utility to include with a bill sent to each customer or on its website, rather than to include with a bill sent to each customer, certain information including a form by which the customer is authorized to request disclosure, rather than confidentiality, by marking an appropriate box on the form and returning it to the government-operated utility by mail or electronically. Deletes existing text requiring a government-operated utility to include a statement of the amount of any fee applicable to the request. Makes conforming and nonsubstantive changes.

(d) Authorizes a customer to rescind a request for disclosure by providing the government-operated utility written request to treat such personal information as confidential from and after the date the government-operated utility receives such written request, rather than by providing the government-operated utility written permission to disclose personal information.

SECTION 3. Repealer: Section 182.053 (Fee), Utilities Code.

SECTION 4. Effective date: upon passage or September 1, 2021.