

1-1 By: Kolkhorst S.B. No. 1213
1-2 (In the Senate - Filed March 10, 2015; March 17, 2015, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 8, 2015, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 8, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to prohibiting the reidentification of certain
1-20 deidentified information and the release of any reidentified
1-21 information; creating a criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle A, Title 11, Business & Commerce Code,
1-24 is amended by adding Chapter 506 to read as follows:

1-25 CHAPTER 506. REIDENTIFICATION OF DEIDENTIFIED INFORMATION

1-26 Sec. 506.001. DEFINITIONS. In this chapter:

1-27 (1) "Deidentified information" means information with
1-28 respect to which the holder of the information has made a good faith
1-29 effort to remove all personal identifying information or other
1-30 information that may be used by itself or in combination with other
1-31 information to identify the subject of the information. The term
1-32 includes aggregate statistics, redacted information, information
1-33 for which random or fictitious alternatives have been substituted
1-34 for personal identifying information, and information for which
1-35 personal identifying information has been encrypted and for which
1-36 the encryption key is maintained by a person otherwise authorized
1-37 to have access to the information in an identifiable format.

1-38 (2) "Personal identifying information" has the
1-39 meaning assigned by Section 521.002(a)(1).

1-40 Sec. 506.0015. APPLICABILITY. This chapter applies only to
1-41 the release of deidentified information by a board, commission,
1-42 department, or other agency of this state, including an institution
1-43 of higher education defined by Section 61.003, Education Code, or a
1-44 hospital maintained or operated by the state.

1-45 Sec. 506.002. PROHIBITED ACTS. (a) A person may not:

1-46 (1) reidentify or attempt to reidentify an individual
1-47 who is the subject of deidentified information; or

1-48 (2) disclose or release information the person knows
1-49 was reidentified in violation of this section.

1-50 (b) It is a defense to prosecution under this section that
1-51 the person:

1-52 (1) was reidentifying the information for the purpose
1-53 of a study or other scholarly research, including performing an
1-54 evaluation or test of software intended to deidentify information;
1-55 and

1-56 (2) did not release or publish the names or other
1-57 information identifying any subjects of the reidentified
1-58 information.

1-59 Sec. 506.003. OFFENSE. (a) A person who violates Section
1-60 506.002 commits an offense.

1-61 (b) An offense under this section is a Class A misdemeanor.

