

CHAPTER 473

H.B. No. 859

AN ACT

relating to confidentiality of certain information of a customer of a government-operated utility; providing a criminal penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. DEFINITIONS. In this Act:

(1) "Government-operated utility" means an entity that:

(A) is a governmental body or is governed by a governmental body, as defined by Section 2(1), Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes); and

(B) provides water, wastewater, sewer, gas, garbage, electricity, or drainage service for compensation.

(2) "Personal information" means an individual's address, telephone number, or social security number.

(3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

**SECTION 2. CONFIDENTIALITY OF PERSONAL INFORMATION.** Except as provided by Section 5 of this Act, a government-operated utility may not disclose personal information in a customer's account records if the customer requests that the government-operated utility keep the information confidential. The customer may request confidentiality by delivering to the government-operated utility an appropriately marked form provided under Section 4(3) of this Act or any other written request for confidentiality. The customer may rescind a request for confidentiality by providing the government-operated utility written permission to disclose personal information.

**SECTION 3. FEE.** The government-operated utility may charge a fee not to exceed the administrative costs of complying with a request of confidentiality.

**SECTION 4. NOTICE; REQUEST.** A government-operated utility shall include with a bill sent to each of its customers:

(1) a notice of the customer's right to request confidentiality of personal information under this Act;

(2) a statement of the amount of any fee applicable to the request; and

(3) a form that the customer may use to request that confidentiality by marking an appropriate box on the form and returning it to the government-operated utility.

**SECTION 5. EXCEPTIONS.** This Act does not prohibit a government-operated utility from disclosing personal information in a customer's account records to:

(1) an official or employee of the state or a political subdivision of the state, or the federal government acting in an official capacity;

(2) an employee of a utility acting in connection with the employee's duties;

(3) a consumer reporting agency;

(4) a contractor or sub-contractor approved by and providing services to the utility or to the state, a political subdivision of the state, the federal government, or an agency of the state or federal government;

(5) a person for whom the customer has contractually waived confidentiality for personal information; or

(6) another entity that provides water, wastewater, sewer, gas, garbage, electricity, or drainage service for compensation.

**SECTION 6. NO CIVIL LIABILITY FROM VIOLATION.** A government-operated utility or an officer or employee of a government-operated utility is immune from civil liability for a violation of this Act.

**SECTION 7. EFFECTIVE DATE.** This Act takes effect September 1, 1993.

**SECTION 8. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 12, 1993, by a non-record vote; passed by the Senate on May 23, 1993, by a viva-voce vote.

**Ch. 473, § 8**

Approved June 9, 1993.  
Effective Sept. 1, 1993.