

GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE B. INFORMATION AND PLANNING
CHAPTER 2062. RESTRICTIONS ON STATE AGENCY USE OF CERTAIN
INDIVIDUAL-IDENTIFYING INFORMATION

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [5129](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 2062.001. DEFINITIONS. In this chapter:

(1) "Biometric identifier" has the meaning assigned by Section [560.001](#).

(2) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government, including a university system or institution of higher education as defined by Section [61.003](#), Education Code, that is created by the constitution or a statute of this state.

Added by Acts 2021, 87th Leg., R.S., Ch. 567 (S.B. [475](#)), Sec. 10, eff. September 1, 2021.

Sec. 2062.002. CONSENT REQUIRED BEFORE ACQUIRING, RETAINING, OR DISSEMINATING CERTAIN INFORMATION; RECORDS.

(a) Except as provided by Subsection (b), a state agency may not:

(1) use global positioning system technology, individual contact tracing, or technology designed to obtain biometric identifiers to acquire information that alone or in conjunction with other information identifies an individual or the individual's location without the individual's written or electronic consent;

(2) retain information with respect to an individual described by Subdivision (1) without the individual's written or electronic consent; or

(3) disseminate to a person the information described by Subdivision (1) with respect to an individual unless the state agency first obtains the individual's written or electronic

consent.

(b) A state agency may acquire, retain, and disseminate information described by Subsection (a) with respect to an individual without the individual's written or electronic consent if the acquisition, retention, or dissemination is:

(1) required or permitted by a federal statute or by a state statute other than Chapter 552; or

(2) made by or to a law enforcement agency for a law enforcement purpose.

(c) A state agency shall retain the written or electronic consent of an individual obtained as required under this section in the agency's records until the contract or agreement under which the information is acquired, retained, or disseminated expires.

Added by Acts 2021, 87th Leg., R.S., Ch. 567 (S.B. 475), Sec. 10, eff. September 1, 2021.