GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE B. INFORMATION AND PLANNING

CHAPTER 2062. RESTRICTIONS ON STATE AGENCY USE OF CERTAIN INDIVIDUAL-IDENTIFYING INFORMATION

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](http://www.legis.state.tx.us/tlodocs/87R/billtext/html/SB00475F.HTM)), 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](http://www.legis.state.tx.us/tlodocs/87R/billtext/html/SB00475F.HTM)), Sec. 10, eff. September 1, 2021.