

HOUSE RESEARCH

Bill Summary

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Subject: Use of private/nonpublic data for authorized purposes

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Various provisions of existing law allow individuals and entities to request access to certain types of private or nonpublic data, even if the requesting individual or entity is not a subject of the data. Often, this access is restricted to certain specific purposes (for example, federal law provides a number of “permissible uses” of driver’s license data).

If specific purposes for data access are provided in law, this bill would prohibit a person from requesting access for any purpose other than those provided in the law.

The requesting person would be prohibited from distributing the data further, except for a purpose authorized by the law. A person requesting access would be required to certify, in writing, that the data will only be used for an authorized purpose before the government entity is permitted to release it. This written certification is not required if the request for access to the data is made on behalf of a government entity.

A person that uses data for a purpose not authorized by law would be subject to the civil and criminal penalties provided in the data practices act. A government entity would be immune from liability for an unauthorized use of data, if the entity secures the written certification required by the bill.