



August 19th, 2026

Chairman Capriglione and Members
House Committee on Delivery of Government Efficiency
Texas House of Representatives

RE: Written Testimony on Data Privacy and Security

Chairman Capriglione and Members of the Committee,

Thank you for the opportunity to provide comments regarding the implementation of the Texas Data Privacy and Security Act (TDPSA).

The Legislature made an important step forward by enacting the TDPSA. The law gives Texans meaningful abilities to access, correct, delete, and obtain copies of their personal data, opt out of certain data processing activities, and requires businesses to provide greater transparency and maintain reasonable security practices.

Overall, Texas Policy Research believes the TDPSA has established a strong statewide framework that protects consumers while allowing innovation and economic growth. As lawmakers consider future changes, reforms should strengthen transparency and consumer control without unnecessarily expanding regulation or creating barriers to free enterprise.

One area deserving additional attention is government itself. While the TDPSA primarily regulates private businesses, it expressly exempts state agencies and political subdivisions from many of its provisions. Texans routinely entrust government with highly sensitive information through driver's licenses, tax records, court filings, property records, professional licenses, and countless other interactions. Government should be held to the same high standard of stewardship that it expects from the private sector.

The Supreme Court's decision this June in *Chatrle* underscores why that gap matters. The Court held that obtaining historical location information through a geofence warrant constitutes a Fourth Amendment search, rejecting the argument that Americans surrender constitutional protection simply by using the smartphone services that have become indispensable to daily life. Privacy should not depend on whether personal information is held by a private company or a government agency, and it should not depend on which technology government uses to obtain it.

Texas has established a comprehensive framework governing how private companies handle sensitive personal information. It has not established a comparable framework governing how government agencies collect, retain, aggregate, and share that same information through emerging surveillance technologies. Rather than regulating each technology individually as it enters the marketplace, the Legislature should establish enduring standards governing the exercise of government authority. Warrants supported by probable cause should remain the default whenever government seeks detailed location information capable of revealing an individual's movements or associations, with carefully defined exceptions for imminent threats to life or serious bodily harm. Surveillance should remain particularized, directed toward identified individuals supported by individualized suspicion rather than broad collection intended to identify suspects afterward. Agencies should collect only information necessary for legitimate governmental purposes, and information concerning individuals never suspected of wrongdoing should not remain indefinitely in government databases. Agencies employing advanced surveillance technologies should also provide meaningful transparency through periodic public reporting and independent auditing.

The Legislature has already begun considering portions of this question. During the 89th Legislative Session, House Bill 961 by Representative Brian Harrison and House Bill 2083 by Representative John Bucy III each proposed safeguards governing automated license plate reader data, approaching the issue from different directions. Neither received a committee hearing. That a Republican and a Democrat independently identified the same gap suggests the underlying concern is not a partisan one.

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The Committee should also proceed cautiously before recommending additional privacy regulations on private companies. Measures such as mandatory age verification, broad online monitoring, or regulations that require platforms to collect even more sensitive personal information may unintentionally undermine the very privacy they seek to protect. Parents, not government, should remain the primary decision-makers regarding their children's online activity.

Texas Policy Research's Texas Liberty Compact calls for protecting free speech and digital expression, limiting government, and preserving individual liberty. Those same principles should guide future privacy policy. Texans deserve meaningful control over their personal information, strong protections against government overreach, and a regulatory environment that protects privacy without sacrificing innovation or constitutional freedoms.

Thank you for your consideration.

For Liberty, For Texas!

Jeramy D. Kitchen
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