



Texas Department of Information Resources
Transforming How Texas Government Serves Texans

State Website Linking and Privacy Policy

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State Website Linking and Privacy Policy

Introduction

Texas Government Code section 2054.126 requires the Texas Department of Information Resources (DIR) to adopt a policy that: (1) prescribes terms under which a person may use, copy information from, or link to a generally accessible Internet site maintained by or for a state agency; and (2) protects the personal information of members of the public who access information from or through a generally accessible Internet site maintained by or for a state agency. The State Website Linking and Privacy Policy fulfills this requirement and provides guidance on how individuals and entities may share the information published on state agency websites and how state agencies must protect the public's personal information obtained through those websites.

Reference Authority

Texas Government Code, Section 2054.112
Texas Government Code, Section 2054.126
Texas Government Code, Section 2054.603
Texas Administrative Code Title 1, Chapter 206
Texas Government Code, Chapter 552
Texas Government Code, Chapter 559
Texas Business & Commerce Code, Section 521.053

Purposes

State agency websites contain useful information about the functions and operations of state government that other individuals or entities may desire to share. The State Website Linking Policy establishes procedures for individuals and entities to use, copy information from, or link to a state website maintained by or for a Texas state agency, including an institution of higher education. It also includes procedures for state agencies when linking to third-party websites.

In addition to providing information, state agencies also use their websites to collect and maintain significant amounts of personal information necessary to perform governmental functions and provide services to constituents. The State Privacy Policy establishes procedures for state agencies to follow to protect the personal information of members of the public who provide that information through a state agency website and provide transparency.

Goals of the Policy

- (1) Encourage the responsible dissemination of state agency public information by allowing third parties to link to state agency websites and copy or reproduce information from state agency websites under certain conditions.
- (2) Allow state agencies to link to third-party websites when beneficial to the public and in support of an agency function.
- (3) Protect the personal information members of the public share with state agencies by establishing privacy processes for state agencies to implement as they collect, process, and maintain personal information.

Scope

This policy applies to Texas state agencies and institutions of higher education as defined in Title 1, Texas Administrative Code (1 TAC) Chapter 206. A Texas state agency, including an institution of higher education, should refer to this policy in conjunction with 1 TAC Chapter 206 and Texas Government Code, Chapters 2054 and 559 to implement provisions of law, administrative rule, and policy, and to develop and adopt its policies related to website linking and privacy.

Method

A state agency must either post a link to this State Website Linking and Privacy Policy on the web page that contains the agency's linking notice or materially represent the provisions contained in this policy on the web page that contains the agency's own linking and privacy notice.

Website Linking

A state agency may not charge a fee to access, use, reproduce information on, or link to its Internet site except to the extent the state agency is specifically authorized to do so by statute.

Third-Party Linking to State Agency Websites

An individual or entity is not required to obtain advanced permission to link to a state agency website, however, individuals or entities linking to a state agency website must not represent the state agency website or its content as its own and may not misrepresent the origin, substance, or context of the content of the state agency website.

Links to a state agency page should be established through the appropriate base uniform resource locator (URL) and not through an abbreviated form. Links should be full forward links that deliver browsers directly to the agency website. Certain links may create a downloading burden on a state agency's servers, such as certain graphics or tables, which could constitute a misuse of state resources. To prevent that, entities or individuals should contact the appropriate state agency to request permission to post a copy of the state agency's graphics or tables within their website.

Entities or individuals that link to a state agency's website should make reasonable efforts to ensure that persons with disabilities may access their websites.

Because state agencies may revise the content of their websites at any time without notice, entities and individuals should routinely verify links to state agency websites.

Copying or Reproducing Information from State Agency Websites

Individuals or entities may copy or reproduce information posted on a public state agency website without permission, however, the content copied or reproduced may not be presented in a misleading way. Entities or individuals that copy and present state agency information must identify the source of the content, including the URL for the content or nearest entry point leading to the content if a URL is not available, and the date the content was copied.

Entities or individuals that copy and present state agency information on their websites must accompany that information with a statement that neither the entity or individual nor the information, as it is presented on its website, is endorsed by the State of Texas or any state agency. To protect the intellectual property of state agencies, copied information must reflect the copyright, trademark, service mark, or other intellectual property rights of the state agency whose protected information is being used by the entity or individual.

Linking from State Agency Websites to Third-Party Websites

A state agency may link to federal, state, and local government websites that provide information and services that benefit Texas citizens, Texas local government, and Texas state agencies. A state agency may link to non-governmental third-party websites that contain information or services that further the business goals and missions of state agencies if a public purpose exists for establishing the link.

A state agency is not obligated to link to third-party websites unless a statute or rule requires it to do so. A state agency may remove links to third-party websites at its discretion. Reasons to remove a third-party link could include a determination that a website contains misleading or unsubstantiated claims, conflicts with or is not relevant to the purpose of the agency, or fails to conform to the requirements of the state agency's linking policy.

Linking to another entity’s website does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of the site. A state agency that provides links to a third-party website should publish a disclaimer that specifically disclaims liability and responsibility for third-party website content.

Required Links for State Agency Websites

Texas state agencies are required to provide links to the following:

- Veteran’s Portal
- Comptroller of Public Accounts State Expenditure Database
- State electronic Internet portal, Texas.gov
- Texas Homeland Security website
- TRAIL, statewide search website
- State Auditor’s Office Fraud, Waste, or Abuse Hotline

Texas state agencies are also required to include links to the following agency resources:

- Agency linking notice
- Agency privacy notice
- Agency policy and procedures related to Open Records/Public Information Act
- Compact with Texans
- Agency policy on electronic and information resources accessibility
- Contact information for the agency accessibility coordinator
- Agency fraud policy,

Privacy

To perform their public functions, state agencies collect, maintain, and process personal information on behalf of individuals. A state agency and its employees have a duty to protect the personal information that members of the public provide to the agency and to prevent the unauthorized disclosure of that personal information.

Data Minimization

A state agency should minimize the amount of personal information collected from constituents and collect, process, and maintain only that personal information necessary to perform its authorized functions. If an agency no longer has a business need for personal information collected, it should delete personal information in accordance with the agency’s records retention schedule.

Individual Access and Participation

With some limited exceptions, a state agency must, upon request, inform an individual about the information the state agency collects about the individual and provide that information to the individual for review.

A state agency must establish a reasonable procedure under which an individual may have the state agency correct personal information about the individual that is possessed by the state agency and that is incorrect. The procedure may not unduly burden an individual using the procedure.

Privacy Notice

To provide transparency about a state agency's privacy practices, a state agency must establish a privacy policy and must publish the relevant portions of that privacy policy in a privacy notice on its website.

The privacy notice must include information explaining:

- What personal information the agency collects about an individual
- How the agency collects that information
- The purposes for which the agency uses the collected information
- The methods the agency uses to secure the information
- The process for individuals to access, review, and correct their personal information

Any web-based form on a state agency's website that requests information from the public must have a link to the state agency's website privacy notice.

Breach Notification

If a state agency maintains sensitive personal information about an individual and that information was, or is reasonably believed to have been, acquired by an unauthorized person, the agency shall notify the individual about the security breach in accordance with section 521.053 of the Business & Commerce Code, and, if required, shall also notify the Office of the Attorney General. A state agency should provide privacy training to employees with access to sensitive personal information to ensure the employees understand the state agency's obligations to protect personal information and report a breach.

Glossary

Acronyms

Texas Department of Information Resources (DIR)

Texas Administrative Code (TAC)

Uniform Resource Locator (URL)

Definitions

Personal information: Information that alone or in conjunction with other information identifies an individual. Examples of personal information include a person's name, social security number, date of birth, or government-issued identification number, a mother's maiden name, a person's unique biometric data, and a unique electronic identification number, address, or routing code.

Sensitive Personal Information: An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted: (i) social security number; (ii) driver's license number or government-issued identification number; or (iii) account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account. Sensitive personal information also includes information that identifies an individual and relates to: (i) the physical or mental health or condition of the individual; (ii) the provision of health care to the individual; or (iii) payment for the provision of health care to the individual.

Records Retention Statement

DIR shall retain this policy for three years after the completion or termination of the policy pursuant to agency item number AD.111 in DIR's records retention schedule.