

TEXAS STATE TECHNICAL COLLEGE SYSTEM
SYSTEM OPERATING STANDARD

No. GA.1.5.3	Page 1 of 5	Effective Date: 09/01/11
DIVISION:	General Administration	
SUBJECT:	Texas Public Information Act	
AUTHORITY:	Texas Government Code Chapter 552	
PROPOSED BY:	<i>Original Signed by Ray Rushing</i>	
TITLE:	General Counsel	Date: 09/01/11
RECOMMENDED BY:	<i>Original Signed by Ray Rushing</i>	
TITLE:	General Counsel	Date: 09/01/11
APPROVED BY:	<i>Original Signed by Michael L. Reeser</i>	
TITLE:	Chancellor	Date: 09/01/11

STATUS: Approved 09/01/11

HISTORICAL STATUS: Revised 09/01/11
 Previously Titled “Open Records Requests and Charges”
 Approved by MC 03/24/94
 Proposed 02/21/94

POLICY

COMPLIANCE

PERTINENT INFORMATION

It is the policy of Texas State Technical College (“TSTC”) to grant the public access to information regarding its records in accordance with the Texas Public Information Act (the “Act”), Texas Government Code, Chapter 552. The following sets forth the procedures to be followed by TSTC for complying with the Act.

“Public Information” means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by TSTC; or (2) for TSTC and TSTC owns the information or has a right of access to it.

Failure to comply with the Act and this System Operating Standard could expose TSTC and individual employees to civil and criminal liability. Actions that may be considered a violation of the Act or this policy include the destruction, removal, or alteration of public information; the

failure or refusal to provide access to or copies of public information; and the intentional disclosure of information considered confidential under the Act.

DELEGATION OF AUTHORITY

The Act designates the chief administrative officer of a governmental body as the officer for public information. The Chancellor of the Texas State Technical College System is the officer for public information. The Chancellor delegates the authority under the Act to the Coordinator of Records Management.

The Coordinator of Records Management is the Public Information Officer and is responsible for coordinating responses to requests for public information appropriately submitted to TSTC. Questions regarding the Act or this System Operating Standard should be directed to the Coordinator of Records Management.

OPERATING REQUIREMENTS

1. General Duties of the Public Information Officer

- 1.1. Availability, Protection, and Maintenance of Information. The Public Information Officer shall make public information available for public inspection and copying and carefully protect public information from deterioration, alteration, mutilation, and loss.
- 1.2. Communication with Requestor. As a general rule, all communication with a requestor should be done by the Public Information Officer. All letters responding to requests for public information should be signed by the Public Information Officer.
- 1.3. Uniform Treatment of Requests. The Public Information Officer shall treat all requests for information uniformly.
- 1.4. Reports. The Public Information Officer is responsible for making all reports to the Attorney General as required by the Act.

2. Receiving and Referring Requests

- 2.1. Written Requests. All requests for public information must be received in writing.
- 2.2. Email and Facsimile Request. Email and facsimile requests are not valid unless sent directly by the requestor to the Public Information Officer.
- 2.3. Forwarding of Requests. Any employee receiving a written request for information via regular mail or hand-delivery must forward it immediately to the Public Information Officer.
- 2.4. Verbal Inquiries. Individuals contacting TSTC with verbal inquiries regarding public information should be advised to submit their requests in writing directly to the Public Information Officer.

3. Routine Requests

- 3.1. **Compliance.** When it is clear from the request that requested information is not excepted from required disclosure, the Public Information Officer should respond or coordinate responses to the request. The Public Information Officer should comply with routine requests by promptly (A) providing the public information for inspection or duplication in the offices of TSTC; or (B) sending copies of the public information by first class United States mail if the person requesting the information requests that copies be provided by mail and pays the postage and any other charges that the requestor has accrued.
- 3.2. **Charges.** Charges for providing a copy of public information are considered to accrue at the time the requestor is advised that the copy is available on payment of the applicable charges.
- 3.3. **Maintenance of Written Statements.** The Public Information Officer must maintain a file containing all written statements issued pursuant to the instructions above in a readily accessible location.

4. Nonroutine Requests

- 4.1. **Consultation for Disclosure Exceptions.** When it is not clear whether requested information is excepted from required disclosure by the Act, the Public Information Officer shall consult with the Office of General Counsel within the time frames outlined in the Act to determine whether the records in question should be withheld or released.
- 4.2. **Attorney General Decisions.** Subchapter C of the Act excepts a number of categories of information from required disclosure. On determination by the Office of General Counsel that requested information falls within one of these excepted categories, the Office of General Counsel shall forward a request for a decision to the Attorney General to confirm that such information shall be withheld from public disclosure. On determination by the Office of General Counsel that the requested information does not fall within one of the excepted categories of the Act, the request shall be processed following the procedures for routine requests.
- 4.3. **Requests to Attorney General.** If seeking to withhold requested information based upon a Subchapter C exception, the Office of General Counsel must be notified. The Act provides that a decision regarding applicability of the specified exception must be requested from the Attorney General within 10 business days from the date that the request is received.
- 4.4. **Time Needed for Requests.** These deadlines make it imperative that the Office of General Counsel be given as much time as possible to deal with requests to which the legal response is not immediately apparent. Unless the Public Information Officer determines that the requested information is unquestionably disclosable and routinely fills the request, the Office of General Counsel should have at least five business days of the 10 day decision deadline to review the request. In many cases, it may be necessary to compile the requested material or representative material if filling the entire request is difficult and time consuming, and present it to the Office of General Counsel in order for counsel to make this determination.

5. Requests for Personal Information

- 5.1. Special Right of Access to Confidential Information. Information related to the individual and that is held by TSTC and protected from public disclosure by laws intended to protect that person's privacy interests will be disclosed to the person or the person's authorized representative in accordance with Sections 55.2023, 552.229, and 552.307 of the Act. A person may also request to be informed about information that TSTC collects about the individual, as provided by Section 559.003(a)(1) of the Texas Government Code. Requests for information should be made in accordance with Section 2 of this policy.

6. Responding to Repetitious or Redundant Requests

- 6.1. Certifications. If the Public Information Officer determines that a requestor has made a request for information for which TSTC has previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges, the Public information Officer may respond to the request by certifying to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available.

7. Requests Requiring More than 36 Hours of Personnel Time

- 7.1. 36 Hour Rule. Each requestor is limited to 36 hours of time per 12-month fiscal year that personnel of TSTC are required to spend producing public information for inspection and duplication, or providing copies of public information to the requestor, without recovering its costs attributable to that personnel time. TSTC's fiscal year runs from September 1 to August 31.

8. Recovering Costs and Guidelines

- 8.1. Policy. In accordance with Subchapter F of the Act and Title 1 of the Texas Administrative Code, it is the policy of TSTC to recover the full costs for retrieving and copying public records.
- 8.2. Prepayment. A bond or deposit for payment of the anticipated costs for the preparation of a copy of public records shall be required if the charges for providing the copy of the public information is estimated to exceed \$100.

9. Proprietary Information of a Third Party.

- 9.1. If a request is made for information pertaining to a person's proprietary information that may be subject to exception under the Act a request for Attorney General decision is made by the institution, the Public Information Officer shall make a good faith attempt to notify that person of the request for the Attorney General decision.

PERFORMANCE STANDARDS

1. Requests for Information are handled expeditiously and efficiently.

2. Information that is released is public information.
3. Appropriate charges are billed and collected.
4. Public Information Reports are current and correct.

COLLEGE OPERATING PROCEDURE	
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OFFICE OF RESPONSIBILITY:	
APPROVED BY:	
TITLE:	Date
FORWARDED TO SYSTEM OFFICE ON	