

1. Title

Texas Public Information Act

2. Policy

- Sec. 1 State Law. It is the policy of the State of Texas that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees in accordance with the Texas Public Information Act ("the Act"), *Texas Government Code*, Chapter 552. This procedure shall be liberally construed in favor of granting a request for information.
- Sec. 2 Applicability. A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedures is not considered to be a request for information under the Act and is not subject to this procedure. A request for documents pursuant to an institutional hearing is considered to be a request for information under the Act.
- Sec. 3 Procedures. The following sets forth procedures to be followed by The University of Texas System ("U. T. System") for complying with the Act. For purposes of this procedure, U. T. System includes U. T. System Administration ("System Administration") and the institutions. The term "institutions" refers to the general academic and health related institutions that comprise U. T. System. The generic term "institution" referenced throughout this procedure refers to System Administration and the institutions. It is the responsibility of System Administration and the institutions to properly instruct its employees regarding compliance with these procedures and the Act.
- Sec. 4 Officers for Public Information and Designated Agents.
- 4.1 Delegation of Authority. The Texas Public Information Act designates the chief administrative officer of a governmental body as the officer for public information. The Chancellor of the U. T. System is the officer for public information for System Administration. The president of each institution is the officer for public information for his or her institution. The Chancellor and the president of each institution delegate their authority under the Act to the appropriate Public Information Officer as defined below.
- 4.2 Public Information Officer. The Public Information Officer of System Administration is the Vice Chancellor and General

Counsel or designee; the Public Information Officer of each institution is the institution's chief business officer or another institution officer designated in writing by the institution's president.

- 4.3 Notification. If an individual other than the chief business officer is designated by an institution, the president will notify the Vice Chancellor and General Counsel with a copy as appropriate to the Executive Vice Chancellor for Academic Affairs or the Executive Vice Chancellor for Health Affairs.
- 4.4 Designated Agent. The Public Information Officer ("officer") is the designated agent for coordinating responses to requests for public information appropriately submitted to his or her respective institution.

Sec. 5 General Duties of Public Information Officer.

- 5.1 Availability, Protection, and Maintenance of Information. The Public Information Officer shall make public information available for public inspection and copying; carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and repair, renovate, or rebind public information as necessary to maintain it properly.
- 5.2 Limitations. The officer may not inquire into the purpose for which the information will be used or make other inquiry of a requestor except to establish proper identification or as follows:
 - (a) if information requested is unclear, the requestor may be asked to clarify the request; and
 - (b) if a large amount of information has been requested, the requestor may be asked how the scope of the request might be narrowed.
- 5.3 Requests for Clarification. All inquiries to the requestor for clarification or narrowing of a request shall be made in writing and may be sent via email or via facsimile transmission. If the requestor's request for information included the requestor's physical or mailing address, the communication shall be sent by certified mail to the requestor's physical or mailing address. The communication must state that all responses to the inquiry must also be made in writing and returned to the U. T. System by mail, email, or via facsimile transmission and that failure to respond in a timely manner may result in the request being

considered withdrawn. If the officer does not receive a written response from the requestor by the 61st day after the date the written request for clarification or narrowing is sent, the request for public information is considered to have been withdrawn by the requestor.

- 5.4 Uniform Treatment of Requests. The Public Information Officer shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whom behalf the request is made, or the status of the individual as a member of the media. The Act provides that U. T. System is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.
- 5.5 Comfort and Facility. The Public Information Officer shall give to the requestor all reasonable comfort and facility for the full exercise of the rights granted by the Act.

Sec. 6 Sign. The Public Information Officer shall prominently display a sign in the form prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information. The officer shall display the sign at one or more places in administrative offices of the institution where it is plainly visible to

- 6.1 members of the public who request public information in person; and
- 6.2 employees whose duties include receiving or responding to public information requests.

Sec. 7 Receiving and Referring Requests.

- 7.1 Written Requests. All requests for public information must be received in writing. For purposes of this Act, a written request includes a request made in writing that is sent by the requestor to the chief administrative officer, the Public Information Officer, or the person designated by the Public Information Officer, by regular mail, electronic mail, or facsimile transmission.
- 7.2 Forwarding of Requests. Any official or other employee receiving a written request for information via regular mail or hand-delivery must forward it immediately to the Public Information Officer.

- 7.3 Email and Facsimile Requests. Email and facsimile requests are not valid unless sent directly by the requestor to the Public Information Officer or his or her designee.
- 7.4 Submission to Public Information Officer. Individuals contacting System Administration with written or verbal inquiries regarding public information held by an institution should be advised to submit their requests in writing directly to the Public Information Officer of the appropriate institution.

Sec. 8 Routine Requests.

- 8.1 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, notifying the chief administrative officer as appropriate. The Public Information Officer should promptly produce public information for inspection, duplication, or both, on application by any person. Public Information Officers comply with routine requests by
 - (a) providing the public information for inspection or duplication in the offices of the institution; 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.
- 8.2 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.
- 8.3 Information in Active Use or in Storage. If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the Public Information Officer shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.
- 8.4 Request for Additional Time. If the requested information cannot be produced for inspection or duplication within 10 business days after the date the information is requested, the Public Information Officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time

when the information will be available for inspection or duplication.

- 8.5 Time Limitations. A requestor must complete the examination of the information not later than the 10th business day after the date the information is made available. If the requestor does not complete the examination of the information within 10 business days after the date the information is made available and does not file a request for additional time as follows, the requestor is considered to have withdrawn the request. The Public Information Officer shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files a written request for additional time. The period must be extended by another 10 business days if, within the additional period, the requestor files a written request for more additional time.
- 8.6 Electronic or Magnetic Medium. If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The Public Information Officer shall provide a copy in the requested medium if
- (a) the institution has the technological ability to produce a copy of the requested information in the requested medium;
 - (b) the institution is not required to purchase any software or hardware to accommodate the request; and
 - (c) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the institution and a third party.
- 8.7 Paper or Other Medium. If the institution is unable to comply with the request to produce a copy of information in a requested medium for any of the reasons described above, the institution must provide a paper copy of the requested information or a copy in another medium that is acceptable to the requestor. The institution is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.
- 8.8 Written Statement. The Public Information Officer must provide the written statement to a requestor described below if the institution determines

- (a) that responding to a request for public information will require programming or manipulation of data; and
 - (b) that
 - i. compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or
 - ii. the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.
- 8.9 Information for Written Statement. The written statement must include
- (a) a statement that the information is not available in the requested form;
 - (b) a description of the form in which the information is available;
 - (c) a description of any contract or services that would be required to provide the information in the requested form;
 - (d) a statement of the estimated cost of providing the information in the requested form, as determined in accordance with the guidelines for specifying charges for access to public information; and
 - (e) a statement of the anticipated time required to provide the information in the requested form.
- 8.10 Timing of Written Statement. The institution shall provide this written statement to the requestor within 20 days after the date of the institution's receipt of the request. The institution has an additional 10 days to provide the statement if written notice is given to the requestor, within 20 days after the date of receipt of the request, that the additional time is needed.
- 8.11 Requestor Response. After providing the written statement to the requestor as required above, the institution does not have any further obligation to provide the information in the requested form or in the form in which it is available unless within 30 days the requestor informs the institution in writing that the requestor
- (a) wants the governmental body to provide the information in the requested form according to the cost and time

parameters set out in the statement or according to other terms to which the requestor and the governmental body agree; or

(b) wants the information in the form in which it is available.

8.12 **Withdrawal of Request.** If a requestor does not make a timely written statement as specified above, the requestor is considered to have withdrawn the request for information.

8.13 **Maintenance of Written Statements.** The Public Information Officer must maintain a file containing all written statements issued pursuant to instructions above in a readily accessible location.

Sec. 9 Nonroutine Requests.

9.1 **Consultation for Disclosure Exceptions.** When it is not clear whether requested information is excepted from required disclosure by the Public Information Act, the Public Information Officer for the general academic and health related institutions shall consult with the Office of General Counsel within the time frames outlined below to determine whether the records in question should be withheld or released.

9.2 **Attorney General Decisions.** Subchapter C of the Public Information 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 that requested information does not fall within one of the excepted categories, the request shall be processed following procedures specified above for a routine request.

Sec. 10 Requests for Personal Information.

10.1 **Special Right of Access to Confidential Information.** Information related to the person and that is held by the institution 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 552.023, 552.229, and 552.307 of the Act. A person may also request to be informed about information that the

institution 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 7 of this policy. Nothing in this policy shall allow an individual access to information to which access is denied by the Act or by other law.

10.2 Right to Request Correction of Incorrect Information.

- (a) A person is entitled to have the institution correct information about the individual that is incorrect in accordance with the following procedures that are established in accordance with Section 559.004 of the *Texas Government Code*. This policy does not apply to an employee of the U. T. System who seeks to correct information in that employee's personnel file; such an employee should comply with the institution's grievance process.
- (b) The person should request in writing that the institution correct information about the person that is held by the institution that is incorrect. The request should specifically identify (1) the information that the person believes to be incorrect, and (2) the document or other source in which the information is located. The request also should specify the correction that the person requests. Requests for corrections should be made in accordance with Section 7 of this policy.
- (c) Not later than 10 days (excluding Saturdays, Sundays, and State and national legal holidays) after the date of the Public Information Officer's receipt of the request for correction, the Public Information Officer shall acknowledge in writing the receipt of the request. The Public Information Officer thereafter shall promptly either make the correction to the information as identified by the person or inform the person of the officer's refusal to amend the information in accordance with the person's request, the reason for the refusal, and the name and address of the official to whom the person may request a review of the refusal. The designated official will be the Chancellor or the president, as appropriate, or his or her designee.
- (d) If the person disagrees with the refusal of the Public Information Officer to amend the information, the person may request in writing to the designated official a review of the refusal. Not later than 30 days (excluding Saturdays, Sundays, and State and national legal holidays) after the

date of the designated official's receipt of the request for review, the official shall complete a review of the matter and make a final determination unless, for good cause, the official extends the thirty-day period.

- (e) The institution will make approved corrections in accordance with all applicable laws and regulations, including those pertaining to records retention. The institution may make approved corrections by adding a document that amends but does not replace the document containing the incorrect information.

Sec. 11 Responding to Repetitious or Redundant Requests.

11.1 Certifications. If the Public Information Officer determines that a requestor has made a request for information for which the institution 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. The certification must include

- (a) a description of the information for which copies have been previously furnished or made available to the requestor;
- (b) the date that the institution received the requestor's original request for that information;
- (c) the date that the institution previously furnished copies of or made available copies of the information to the requestor;
- (d) a certification that no subsequent additions, deletions, or corrections have been made to that information; and
- (e) the name, title, and signature of the Public Information Officer or the officer's agent making the certification.

11.2 Charges. A charge may not be imposed for making and furnishing the certification. Information not furnished in the previous request must be furnished for the new request.

Sec. 12 Requests Requiring More Than 36 Hours of Personnel Time (36 Hour Rule).

- 12.1 36 Hour Rule. Each requestor is limited to 36 hours of time per 12-month fiscal year that personnel of the institution 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.
- 12.2 Written Statements. Each time the institution complies with a request for public information, the institution shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. The requestor may not be charged for the amount of time spent preparing the written statement.
- 12.3 Written Cost Estimates. If, in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor is expected to equal or exceed 36 hours, the institution shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested. If the institution determines that additional time is required to prepare the written estimate and provides the requestor with a written statement of that determination, the institution must provide the written statement as soon as practicable, but on or before the 10th day after the date the institution provided the notice that additional time was required.
- 12.4 Calculation of Costs. The costs charged for personnel time relating to the cost of locating, compiling, and producing the public information shall be calculated at the rates set by the Texas Attorney General's Office. A summary of the charges is available as Attachment 1. When calculating the amount of time spent complying with an individual's public information request(s), the institution may not include time spent on
 - (a) determining the meaning and/or scope of the request(s);
 - (b) requesting a clarification from the requestor;
 - (c) comparing records gathered from different sources;

- (d) determining which exceptions to disclosure, if any, may apply to information that is responsive to the request(s);
 - (e) preparing the information and/or correspondence required for an Attorney General decision;
 - (f) reordering, reorganizing, or in any other way bringing information into compliance with well established and generally accepted information management practices; or
 - (g) providing instruction to, or learning by, employees or agents of the institution of new practices, rules, and/or procedures, including the management of electronic records.
- 12.5 Payment by Requestor. If an institution provides a requestor with a written statement estimating the cost of personnel time to complete the requestor's request, the institution is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the written statement was sent, the requestor submits a statement in writing to the governmental body in which the requestor commits to pay the lesser of
- (a) the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
 - (b) the amount stated in the written statement.
- 12.6 Withdrawal of Request. If the requestor fails or refuses to submit a written commitment to pay statement, the requestor is considered to have withdrawn the requestor's pending request for public information.
- 12.7 Exceptions to 36 Hour Rule. This rule does not prohibit institutions from providing a copy of public information without charge or at a reduced rate when it is in the public interest or from waiving a charge for providing a copy of public information when the cost of processing the collection will exceed the amount of the charge. In addition, the 36 hour rule does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or

publishes news or information for and is seeking the information for

- (a) a radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;
- (b) a newspaper that is qualified under Section 2051.044, *Texas Government Code* to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
- (c) a newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or
- (d) a magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

12.8 Additional Exceptions to 36 Hour Rule. Further, the 36 hour rule does not apply if the requestor is

- (a) an elected official of the United States, Texas, or a political subdivision of Texas; or
- (b) a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), *Internal Revenue Code of 1986*, as amended, by being listed as an exempt entity under Section 501(c)(3) of that Code.

Sec. 13 Itemized Estimate of Charges.

13.1 Written Itemized Statement. If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record will result in the imposition of a charge that exceeds \$40, the institution shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the institution regarding the alternative method. The institution must inform the requestor of the responsibilities imposed on the

requestor and of the rights granted and give the requestor the information needed to respond, including

- (a) that the requestor must provide the institution with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement and that it is the requestor's choice which type of address to provide;
- (b) that the request is considered automatically withdrawn if the requestor does not respond in writing to the itemized statement and any updated itemized statement in the appropriate time and manner; and
- (c) that the requestor may respond to the statement by delivering the written response to the institution by mail, in person, by facsimile transmission, or by electronic mail.

13.2 **Withdrawal of Request.** A request is considered to have been withdrawn by the requestor if the requestor does not respond in writing to the itemized statement by informing the institution within 10 business days after the date the statement is sent to the requestor that

- (a) the requestor will accept the estimated charges;
- (b) the requestor is modifying the request in response to the itemized statement; or
- (c) the requestor has sent to the Attorney General a complaint alleging that the requestor has been overcharged for being provided a copy of the public information.

13.3 **Updated Itemized Statement.** If the institution later determines, but before it makes the copy or the paper record available, that the estimated charges will exceed the charges detailed in the written itemized statement by 20% or more, the institution shall send to the requestor a written updated itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If the requestor does not respond in writing to the updated estimate in the time and manner described above, the request is considered to have been withdrawn by the requestor.

If the actual charges that an institution imposes for a copy of public information, or for inspecting a paper record exceeds \$40, the charges may not exceed

- (a) the amount estimated in the updated itemized statement; or
- (b) if an updated itemized statement is not sent to the requestor, an amount that exceeds by 20% or more the amount estimated in the itemized statement.

13.4 **Statement Date.** An itemized statement or updated itemized statement is considered to have been sent by the institution to the requestor on the date that

- (a) the statement is delivered to the requestor in person;
- (b) the institution deposits the properly addressed statement in the United States mail; or
- (c) the institution transmits the properly addressed statement by electronic mail or facsimile transmission, if the requestor agrees to receive the statement by electronic mail or facsimile transmission, as applicable.

13.5 **Response Date.** A requestor is considered to have responded to the itemized statement or the updated itemized statement on the date that

- (a) the response is delivered to the institution in person;
- (b) the requestor deposits the properly addressed response in the United States mail; or
- (c) the requestor transmits the properly addressed response to the institution by electronic mail or facsimile transmission.

13.6 **Timelines for Attorney General Decisions.** These timelines do not affect the deadlines required for requesting an Attorney General's decision.

Sec. 14 **Time of the Essence.**

14.1 **Requests to Attorney General.** Institutions seeking to withhold requested information based upon a Subchapter C exception must notify the Office of General Counsel. The Public Information 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. Further, the requestor must be provided the following information within the same time frame:

- (a) a written statement that the institution wishes to withhold the requested information and has asked for a decision from the Attorney General about whether the information is within an exception to public disclosure; and
- (b) a copy of the institution's written communication to the Attorney General asking for the decision or, if the written communication discloses the requested information, a redacted copy of that written communication.

14.2 Requests Not Made to Attorney General Within Time Frame. If a decision of the Attorney General is not requested within 10 business days and the requestor is not provided with the information described in the paragraph above, the information is subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. All related supplementary information required by the Attorney General must be provided not later than 15 business days after the date that the request is received.

14.3 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. In all cases where an Attorney General's decision is deemed necessary by the Office of General Counsel, the requested information or representative material must be compiled and provided to the Office of General Counsel for forwarding to the Attorney General along with the request for decision. To facilitate the timely review by the Office of General Counsel, the Public Information Officer should begin compiling the requested information at the same time the Office of General Counsel is first contacted concerning the request.

14.4 Exceptions. All possible exceptions must be communicated to the Office of General Counsel. If an exception is not raised before the Attorney General, it is waived. The only exceptions to waiver are exceptions based on a requirement of federal law or exceptions involving third party property or privacy interests.

Sec. 15. Proprietary Information of a Third Party. If a request is made for information pertaining to a person's proprietary information that may be subject to exception under the Act and 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. Notice must

15.1 be in writing and sent within a reasonable time not later than the 10th business day after the date the institution receives the request for the information; and

15.2 include

(a) a copy of the written request for the information received by the institution; and

(b) a statement, in the form prescribed by the Attorney General, that the person is entitled to submit in writing to the Attorney General within a reasonable time not later than the 10th business day after the date the person receives the notice

i. each reason the person has as to why the information should be withheld; and

ii. a letter, memorandum, or brief in support of that reason.

Sec. 16 News Media Requests.

16.1 Notification to Vice Chancellor for External Relations. An official or other employee of System Administration who receives a request for public information from a representative of the news media is strongly encouraged to inform the Vice Chancellor for External Relations.

16.2 Notification to Chief Administrative Officers. The Vice Chancellor for External Relations will inform the institution chief administrative officer about media requests affecting an institution.

16.3. Coordination of Responses. Public Information Officers are strongly encouraged to coordinate responses to news media

requests with the other Public Information Officers who have received the same or similar requests and, as appropriate, with the Vice Chancellor for External Relations.

Sec. 17 Requests from Legislators and Other Governmental Offices.

17.1 U. T. System Notification to Vice Chancellor for Governmental Relations. The Vice Chancellor and General Counsel shall notify the Vice Chancellor for Governmental Relations when U. T. System receives requests for public information from members of the Legislature or other governmental offices.

17.2 Institutional Notification to Vice Chancellor for Governmental Relations. At the direction of the president of an institution, the Public Information Officer of an institution shall notify the Vice Chancellor for Governmental Relations when the institution receives requests for public information from members of the Legislature or other governmental offices.

Sec. 18 Form and Approval of Responses.

18.1 Review of Requested Information. Except for routine responses, requested information should be reviewed and approved by the chief administrative officer or designee and the Public Information Officer or designee following appropriate consultation with the Office of General Counsel.

18.2 Cover Letters. As a general rule, cover letters responding to requests for public information should be signed by the Public Information Officer or designee.

Sec. 19 Resolution of Questions. Questions regarding the procedure for answering requests for public information should be directed to the Office of General Counsel.

Sec. 20 Recovery Costs and Guidelines.

20.1 Policy. In accordance with Subchapter F of the Act and Title 1 of the *Texas Administrative Code*, it is the policy of The University of Texas System to recover the full costs for retrieving and copying public records. Officers filling requests for public information should account for all costs in fulfilling these requests using the following guidelines.

20.2 Guidelines. The Public Information Officer shall make a preliminary estimate of the cost of retrieving and copying public

records under these guidelines and notify the requestor, giving the requestor the option to (1) agree to the cost and submit necessary prepayment (see Section (b)iii below), (2) alter, or (3) withdraw the request. If charges are in excess of \$40, the Public Information Officer should follow the procedures outlined in Section 13. If personnel time will exceed 36 hours, the Public Information Officer should follow the procedures outlined in Section 12.

(a) Definitions: See Definitions section of policy.

(b) The U. T. System adopts the rules for establishing charges to be made for public records set out in the *Texas Administrative Code*, Title 1, and the Act as summarized below:

i. Inspection of Information. Where only inspection of paper documents is requested (i.e., no copies made), no charge may be assessed except when

A. a requested page contains confidential information that must be edited from the document before the information can be released, the cost of making a copy of the edited page may be imposed;

B. the request puts the requestor over the 36 hour limit for institution personnel time for the current fiscal year; or

C. the public information specifically requested for inspection by the requestor

1. is older than five years; or completely fills, or when assembled will completely fill, six or more archival boxes; and

2. the Public Information Officer or designee estimates that more than five hours will be required to make the public information available for inspection.

The Public Information Officer or designee may require the requestor to pay, make a deposit, or post a bond for the payment of anticipated personnel costs for making available for inspection such public information.

Where only inspection of information that exists in an electronic medium is requested, no charge may be assessed for access to the information, unless complying with the request will require programming or manipulation of data. In such a case, the requestor must be notified of estimated charges to be imposed before assembling the information.

- ii. Waiver of Reduction. Costs shall be waived or reduced if it is determined that waiver or reduction is in the public interest.
- iii. Prepayment.

A bond or deposit for payment of 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 and if the Public Information Officer or designee has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy.

The Public Information Officer or designee may require a deposit or bond for payment of unpaid amounts owing to the institution before preparing a copy of public information in response to a new request if those unpaid amounts exceed \$100. A request for an Attorney General's opinion must still be made within 10 business days necessitating a review of the public information requested, even though the requestor's copy may not be prepared. The institution must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs, as applicable, before requiring a deposit or bond under this section. The documentation is subject to required public disclosure under this chapter.

A request for a copy of public information is considered to have been received by an institution on the date the institution receives the deposit or bond for payment of anticipated costs or unpaid amounts if the institution's Public Information Officer or the officer's agent requires a deposit or bond in accordance with this section.

A person requesting information who fails to make a deposit or post a bond before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

iv. Charge Schedule.

A summary of the charges for copies of public information that have been adopted by the Attorney General is available as Attachment 1.

System Administration and institutions shall maintain a record of charges for public information requests (refer to Attachment 2 for the Public Information Charges Invoice form).

v. Examples of Charges for Copies of Public Information. A few examples of the calculation of charges for information are presented in Attachment 3.

(c) The entire amount of fees collected pursuant to policies outlined herein should be deposited back to the appropriate fund that incurred the costs involved.

(d) System Administration and institutions shall maintain a register that records receipt and processing of requests for public information. Refer to Attachment 4, Register of Requests for Public Information Received, for a sample register.

3. Definitions

Chief Administrative Officer - the Chancellor of The University of Texas System and the president of each academic and health institution.

Full Cost - the sum of all direct costs plus a proportional share of overhead or indirect costs.

Nonstandard-Size Copy - a copy of public information that is made available to a requestor in any format other than a standard-size paper copy. Microfiche, microfilm, diskettes, magnetic tapes, CD-ROM, and nonstandard-size paper copies are examples of nonstandard-size copies.

Public Information - information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a

governmental body or for a governmental body and the governmental body owns the information or has a right of access to it.

Readily Available Information - information that already exists in printed form, or information that is stored electronically and is ready to be printed or copied without requiring any programming, or information that already exists on microfiche or microfilm. Information that requires a substantial amount of time to locate or prepare for release is not readily available information.

Standard-Size Copy - a printed impression on one side of a piece of paper that measures up to 8 1/2 by 14 inches. Each side of a piece of paper on which an impression is made is counted as a single copy. A piece of paper that is printed on both sides is counted as two copies.

4. Relevant Federal and State Statutes

[Texas Government Code, Chapter 552](#)

[Texas Government Code Section 559.004](#)

[Texas Government Code Section 559.003](#)

[Texas Administrative Code, Title 1](#)

5. Relevant System Policies, Procedures, and Forms

[Attachment 1 Summary of Charges for Copies](#)

[Attachment 2 Public Information Charges Billing Form](#)

[Attachment 3 Examples of Charges for Copies of Public Information](#)

[Attachment 4 Sample Register of Requests for Public Information Received](#)

6. Who Should Know

Every U. T. System employee should have a basic knowledge of the Public Information Act
Public Information Officer
Public Information Coordinator

7. System Administration Office(s) Responsible for Policy

Office of General Counsel

8. Dates Approved or Amended

June 10, 2005
Amended June 8, 2010
Amended May 26, 2011
Amended October 11, 2011

9. Contact Information

Questions or comments about this policy should be directed to:

- bor@utsystem.edu