

1. Title

Compliance with the Texas Public Information Act

2. Policy

Sec. 1 Applicability. This policy is binding on U. T. System and applies to all requests submitted to U. T. System under the Texas Public Information Act (TPIA). This policy does not apply to a subpoena duces tecum or a request for discovery issued in compliance with an applicable statute or rule of civil or criminal procedure, since neither is a request for information under the TPIA.

Sec. 2 Transparency. As described in Regents' Rule 10801, U. T. System intends this policy to promote transparency, accountability, and access to and disclosure of information to the public.

Sec. 3 Officers for Public Information and Designated Agents.

3.1 Delegation of Authority. The Chancellor is the officer for public information for U. T. System Administration, and each institution's president is its officer for public information. The Chancellor and each president delegate their authority under the TPIA to the Public Information Officer(s) ("Officer") described in Section 3.2.

3.2 Officer. The Officer for U. T. System Administration is the Vice Chancellor and General Counsel. The Officer for each institution is its chief legal officer, its chief business officer or another employee designated in writing by its president.

3.3 Designated Agent. The Officer is the designated agent for coordinating responses to requests for public information on behalf of U. T. System Administration or a U. T. System institution, as appropriate.

3.4 Officer's Designee. The Officer may delegate his or her duties to a public information coordinator(s) or other designee(s) ("Designee"), but retains ultimate responsibility for compliance with the TPIA.

Sec. 4 General Duties of Officer.

4.1 Make Available, Protect and Maintain Information. The Officer shall protect and maintain public information and

make it available for public inspection and copying as required by the TPIA.

4.2 Evaluate Resources. Every two years, the Officer shall reevaluate the adequacy of the staffing level; administrative, technical and physical safeguards; and other resources allocated to comply with the TPIA and inform the Chancellor or president, as appropriate, of any changed needs in writing.

Sec. 5 Sign. The Officer shall prominently display a sign in the form prescribed by the Attorney General as required by the TPIA.

Sec. 6 Training Requirements.

6.1 Each employee of U. T. System Administration shall complete the U. T. System Administration-required TPIA training no later than 90 days after beginning of employment, and then at least once every two years thereafter.

6.2 Each U. T. System institution shall prescribe the training required for its own employees.

Sec. 7 Receiving and Referring Requests.

7.1 Written Requests. All requests for public information must be made in writing. A written request includes a request submitted by hand delivery, U.S. mail, electronic mail or facsimile.

7.2 Hand Delivery and U.S. Mail Requests. Any employee who receives a written request for information by U.S. mail or hand delivery shall forward it immediately to the Officer or Designee.

7.3 Email and Facsimile Requests. Email and facsimile requests do not trigger the TPIA unless sent directly by the requestor to the designated email address or facsimile line.

7.4 Requests for Clarification. All formal inquiries by an Officer or Designee to the requestor for clarification or narrowing

of a request shall be made in writing and sent in accordance with the TPIA.

Sec. 8 Identifying and Gathering Responsive Information.

8.1 Identifying Location of Information. After receiving a request, the Officer or Designee shall identify all offices, departments and individuals who are most likely maintain information responsive to the request.

8.2 Gathering Information. The Officer or Designee shall contact these offices, departments and individuals by email or other written electronic method and instruct them to submit all potentially responsive information to the Officer or Designee by a specified deadline.

8.3 Written Response. Each office, department, or individual contacted under Section 8.2 must submit a written response to the Officer or Designee confirming that:

- (a) a diligent search was performed and all potentially responsive information was provided to the Officer or Designee; or
- (b) a diligent search was performed and no potentially responsive information was located.

This response must include the language shown in Appendix 1 to this policy.

8.4 Review. The Officer or Designee shall review all information identified to determine if it is responsive.

Sec. 9 Requests That Do Not Require An Attorney General Opinion. If requested information is not excepted from required public disclosure or redacting information is permissible without seeking an Attorney General opinion, the Officer or Designee should respond or coordinate responses to the request as required by the TPIA.

Sec. 10 Requests Requiring An Attorney General Opinion.

10.1 Request for Texas Attorney General Opinion. Only the Office of General Counsel is authorized to submit a request for a ruling and the corresponding briefing to the Attorney General on behalf of U. T. System Administration or U. T. System institutions.

10.2 Consultation with Office of General Counsel to Seek an Attorney General Opinion.

To begin a consultation about seeking an Attorney General opinion, the Officer or Designee should electronically provide the following to the Office of General Counsel no later than 7 business days after the institution receives a request:

- (a) the request for information;
- (b) the requested information or a representative sample of the requested information;
- (c) a list of all possible exceptions the institution believes may apply.

10.3 Representative Samples.

- (a) When submitting to the Attorney General a representative sample of the information being withheld, the representative sample should include:
 - (1) at least one exemplar of each type of information that faithfully represents the responsive information; and
 - (2) at least one exemplar of information subject to each exception asserted in briefing to the Attorney General.

Sec. 11 Website. Each U. T. institution and U. T. System Administration must maintain a publicly-accessible website that explains how the public can make a public information request.

Sec. 12 Requests from Legislators and Other Governmental Offices.

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

12.2 Institutional Notice to Vice Chancellor for Governmental Relations. An institution's Officer or Designee shall notify the Vice Chancellor for Governmental Relations when the institution receives requests for public information from

members of the Legislature or from other governmental offices.

3. Definitions

Public Information - this term is defined by Texas Government Code § 552.002.

U. T. System - System Administration and all U. T. institutions.

4. Relevant Federal and State Statutes

[Texas Government Code, Chapter 552, Texas Public Information Act](#)

[Texas Government Code, Section 559.004, Right to Correction of Incorrect Information](#)

[Texas Government Code, Section 559.003, Right to Notice About Certain Laws and Practices](#)

[Texas Administrative Code, Title 1, Administration](#)

5. Relevant System Policies, Procedures, and Forms

[Appendix 1 –Section 8.3 response](#)

6. System Administration Office Responsible for Policy

Office of General Counsel

7. Dates Approved or Amended

June 10, 2005

June 8, 2010

May 26, 2011

October 11, 2011

March 8, 2012

May 22, 2015

September 21, 2017

Appendix 1
(Send by e-mail to recipient)

[date]

Dear [Individual]:

Choose an item. received a Texas Public Information Act ("TPIA") request seeking **[describe information requested]**.

To the extent you or your department maintains responsive information, please provide us all the potentially responsive information by **[deadline]**. Also, if you believe any other employee has some or all of this information, please let us know immediately.

After you complete your search, please reply to this email with one of the following two statements and, if you have responsive materials, please send them to us:

I performed a diligent search of all locations and devices where I believe responsive information is likely to be stored, and am providing all potentially responsive information.

OR

I performed a diligent search of all locations and devices where I believe responsive information is likely to be stored, but did not locate any potentially responsive information.

Thank you for your assistance with this important request.