

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. The Officer shall certify, in writing, the completion of this evaluation and maintain the certification in a readily-accessible file.

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 requested by the Officer to complete System-required PIA training must complete that training no later than 90 days after the request, and then at least once every two years thereafter.

- 6.2 Each Officer and Designee, and each member of the U. T. System Board of Regents, shall complete both the System-required PIA training and the Attorney General's PIA training no later than 90 days after his or her appointment begins, and then at least once every two years thereafter.

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 by email or facsimile. If the request for information included the requestor's physical or mailing address, the Officer or Designee shall send the communication by certified mail to the requestor's physical or mailing address. In accordance with the TPIA, a request can and will be narrowed or clarified only if the requestor responds and agrees to that narrowing or clarification.

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; instruct them to submit all potentially responsive information to the Officer or Designee by a specified deadline; and apprise them of Texas Government Code Sections 552.351 and 552.352. See Appendix 2.

8.3 Written Certification. Each office, department, or individual contacted under Section 8.2 must submit a written certification 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 certification must follow the format shown in Appendix 2 to this policy.

8.4 Information Technology Searches. As the Officer or Designee deems necessary to fulfill obligations under the TPIA, the Officer or Designee may use centralized information technology searches to identify and gather responsive information. Because these searches have limitations, they should not be the only method used to identify information responsive to a request.

- 8.5 Record of Process. The Officer or Designee shall preserve the names of the identified offices, departments and individuals, all contact emails or writings, all records of information technology searches conducted, and all written certifications in an electronic file and retain that file in accordance with the applicable records retention schedule.
 - 8.6 Review. The Officer or Designee shall review all information identified to determine if it is responsive; to the extent feasible, preserve all information reviewed in an electronic file or other readily-accessible file; and retain that electronic file in accordance with the applicable records retention schedule.
 - 8.7 Preserve Responsive Information. The Officer or Designee shall preserve all information ultimately deemed responsive in an electronic file or other readily-accessible file and retain that file in accordance with the applicable records retention schedule.
- Sec. 9 Requests That Do Not Require An Attorney General Opinion. If requested information is not excepted from required disclosure, 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 Discretionary Exceptions. U. T. System may invoke discretionary exceptions in the following instances:
 - (a) Discussions of Systemwide or institutional policy changes;
 - (b) Drafts of press releases and communications about those drafts;
 - (c) Draft budgets and communications about those drafts;
 - (d) Audit working papers and communications about working papers;
 - (e) Attorney-client privileged and work product materials;
 - (f) Claim settlement negotiations;

- (g) Law enforcement information;
- (h) Informer's privilege;
- (i) Bidding;
- (j) Real estate information;
- (k) Academic test items;
- (l) Library records;
- (m) Communications with the Legislative Budget Board;
- (n) Legislative bill analysis;
- (o) Litigation or settlement negotiations;
- (p) Other compelling reasons identified by the Officer or Designee in the consultation described in Section 10.2.

10.2 Consultation with Office of General Counsel Regarding Discretionary Exceptions. If an Officer or Designee wishes to assert a discretionary exception to disclosure or is not clear whether requested information is excepted from required disclosure, the Officer or Designee must consult with the Office of General Counsel to determine whether an Attorney General ruling will be requested.

To begin this consultation, the Officer or Designee should provide the following to the Office of General Counsel in an electronic format 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 Deadlines. To determine whether an exception applies, the Office of General Counsel must request a ruling from the Attorney General no later than 10 business days after a request is received and notify the requestor as required by the TPIA.

If an Attorney General ruling is not requested within 10 business days and/or the requestor is not notified of the request for a ruling as required by the TPIA, the information must be released as soon as practicable unless the information is confidential by law or there is a compelling reason to withhold it.

10.4 Representative Samples.

- (a) If the Office of General Counsel deems it necessary to submit 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.

10.5 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.

Sec. 11 Website.

11.1 Each U. T. institution and System Administration must maintain a publicly-accessible website dedicated to displaying (a) public information requests it has received and (b) responsive information it is posting pursuant to Section 11.3.

11.2 Posting of requests

- (a) No later than 3 business days after a public information request is received, it shall be posted on this website.
- (b) Each request must be posted on this website verbatim unless, in the Officer's or Designee's

judgment, a verbatim entry is likely to violate applicable privacy laws, in which case the request shall be paraphrased.

- (c) When a request is posted, it must follow the format shown in Appendix 1 to this policy.
- (d) Once posted, each request must remain posted on the website for one year after it is received.

11.3 Posting of responsive information

- (a) By December 1, 2015, each institution and System Administration must post on its website all information it produced in response to a request for information filed on or after November 1, 2015, except materials that contain:
 - (1) FERPA/education records;
 - (2) Protected Health Information (PHI);
 - (3) Personnel records;
 - (4) Police reports or law enforcement information;
 - (5) Any information to which the Board of Regents does not own copyright, as defined by federal law; and/or
 - (6) Any information produced to the requestor pursuant to a special right of access under law.
- (b) The information required by Section 11.3(a) should be posted on the website no later than 14 business days after the information is produced to the requestor. However, if a ruling is requested from the Attorney General on any portion of the request, the information must not be posted until 14 days after all rights to file a civil lawsuit to appeal the ruling have expired.
- (c) Once posted, this information must remain posted on the website for one year after the request was received.

- Sec. 12 Requests from Legislators and Other Governmental Offices.
- 12.1 System Administration Notice to Vice Chancellor for Governmental Relations. The Vice Chancellor and General Counsel shall notify the Vice Chancellor for Governmental Relations when 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 – model format to display TPIA requests

Appendix 2 – Section 8.2 request and Section 8.3 certification

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

Appendix 1

Request ID	Request Date	Description	Category	
1	1/1/2015	2014 agreement with Custodial, Inc. for custodial services provided for building located at 123 Main Street	Contract	RequestResponsiveDocuments Button
2	1/2/2015	A copy of the police report taken of my arrest on 12/1/2014	Police Reports	RequestResponsiveDocuments Button
3	1/3/2015	All complaints made by my coworkers regarding me	Personnel	RequestResponsiveDocuments Button
4	1/4/2015	Invoices from Company X for the month of November 2014	Financial	RequestResponsiveDocuments Button
5	1/5/2015	All emails sent by your institution's president to the provost yesterday	Other	RequestResponsiveDocuments Button
6	1/6/2015	Bids submitted in response to RFP0010100	Contract	RequestResponsiveDocuments Button
7	1/8/2015	Names of students graduating this semester	Directory	RequestResponsiveDocuments Button
8	1/9/2015	Copy of my sexual assault report	Police Reports	RequestResponsiveDocuments Button

Appendix 2
(Send by e-mail to recipient)

[date]

Dear [Individual]:

Choose an item. received a Texas Public Information Act ("TPIA") request assigned **[Institution ID Number]**. That request seeks **[describe information requested]**.

We believe you **[and your office/department]** may maintain information that will help us respond to this request. 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 so we may contact that employee to obtain it.

By law, the University must diligently search for these materials wherever they are located. In addition to searching for these materials in paper form (wherever they are located) and on university-owned electronic devices, you must search your personal devices for responsive information. If we all search diligently, we will have fulfilled our duties to the public and under Texas law; and if we do not, then unfortunately, certain civil and criminal penalties could apply. For these reasons, your prompt assistance with this diligent search is necessary.

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 (including paper and other physical locations; electronic, server- and cloud-based locations; and work-issued and personal devices) where I believe responsive information is likely to be stored, and am providing all potentially responsive information.

[Insert signature block of person to whom this email was sent, including his/her contact information]

OR

I performed a diligent search of all locations and devices (including paper and other physical locations; electronic, server- and cloud-based locations; and work-issued and personal devices) where I believe responsive information is likely to be stored, but did not locate any potentially responsive information.

[Insert signature block of person to whom this email was sent, including his/her contact information]

Thank you for your assistance with this important request.