

TEXAS STATE TECHNICAL COLLEGE
STATEWIDE OPERATING STANDARD

No. GA 1.5.3	Page 1 of 6	Effective Date: 02/04/2019
DIVISION:	General Administration	
SUBJECT:	Texas Public Information Act	
AUTHORITY:	Texas Government Code, Chapter 552	
PROPOSED BY:	Jerry Sorrells	
TITLE:	Records Management Officer	Date: 02/04/2019
RECOMMENDED BY:	Ray Rushing	
TITLE:	Vice Chancellor & Chief Legal Officer/General Counsel	Date: 02/04/2019
APPROVED BY:	Mike Reeser	
TITLE:	Chancellor	Date: 02/04/2019

STATUS: Approved by Leadership Team 02/04/2019

HISTORICAL STATUS: Approved by Chancellor 8/31/15
 Revised 02/2015
 Approved by MR 09/01/11
 Proposed 08/19/11
 Previous Titled "Open Records Requests and Charges"
 Approved by MC 03/24/94
 Proposed 02/21/94

I. STATEWIDE STANDARD

COMPLIANCE: Texas State Technical College (TSTC) shall comply with the Texas Public Information Act (the Act) as detailed in the Texas Government Code, Chapter 552.

II. PERTINENT INFORMATION

TSTC must grant the public access to information regarding its records in accordance with [the Act](#). The following sets forth the procedures that shall be followed by TSTC for complying with the Act.

For TSTC's purposes, "Public Information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by TSTC or for TSTC providing TSTC owns the information or has a right of access to it.

Failure to comply with [the Act](#) and this Statewide Operating Standard (SOS) 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.

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Act and is not subject to this SOS and, instead, is subject to SOS [GA 2.1 Subpoenas](#).

III. GENERAL GUIDELINES

TSTC's policies and procedures outlined in this SOS shall comply with those stipulated within [the Act](#) and within the [Chapter 441, Subchapter L, of the Texas Government Code](#), dealing with the preservation and management of state records and other historical resources.

IV. DEFINITIONS

Public Information: Information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) By a governmental body;
- (2) For a governmental body and the governmental body:
 - (A) Owns the information;
 - (B) Has a right of access to the information; or
 - (C) Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
- (3) By an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body. (Per [Texas Government Code, Chapter 552](#))

The Records Management Officer (RMO): The Chancellor's designated employee who is responsible for the College's records management program and for coordinating responses to requests for public information appropriately submitted to TSTC. The RMO reports as required by [Section 441.184\(a\)](#) of the Texas Government Code.

V. DELEGATION OF AUTHORITY

[Section 552.003](#) of the Act defines TSTC as a governmental body, and [Section 552.201\(a\)](#) designates the chief administrative officer of a governmental body as the officer for public information. The [Texas Government Code, Chapter 441, Subchapter L](#) further defines TSTC as a state agency and requires each state agency head to act as or appoint a records management officer for the state agency to administer the agency's records management program. The Chancellor is the chief administrative officer and agency head of TSTC. Thereby, the Chancellor has the authority to act as the officer of public information under the Act and delegates the responsibility to the RMO for the agency.

VI. PERFORMANCE STANDARDS

1. Requests for information are handled expeditiously and efficiently.
2. Information released by TSTC is public information.
3. Appropriate charges associated with processing public information requests are billed and collected.
4. Public Information Reports are current and correct.
5. The RMO plans, coordinates, and tracks in-service training for the TSTC Records Management Program.
6. All TSTC employees receive annual training on management of state records.
7. The RMO disseminates to employees relevant information concerning state laws, administrative rules, and the College's policies and procedures relating to the management of state records.

APPENDIX

VII. RELATED STATEWIDE STANDARDS. LEGAL CITATIONS, OR SUPPORTING DOCUMENTS

Texas Public Information Act, [Texas Government Code, Chapter 552](#)
[Texas Government Code, Chapter 441, Subchapter L](#)
[GA 2.1 Subpoenas](#)
[Texas Government Code, Chapter 559.003\(a\)](#)
[Texas Administrative Code, Title 1, Part 3, Chapter 70](#)

VIII. OPERATING REQUIREMENTS:

1. All questions regarding the Act or this SOS should be directed to the RMO. The RMO shall have the following duties:
 - a. The RMO shall make public information available for public inspection as appropriate under the Act and is responsible for copying and carefully protecting public information from deterioration, alteration, mutilation, and loss.
 - b. As a general rule, all communication with a requester shall be done by the RMO. All letters responding to requests for public information shall be signed by the RMO.
 - c. The RMO shall treat all requests for information uniformly.
 - d. The RMO shall be responsible for making all reports to the Attorney General as required by the Act.
2. The following actions shall be taken when receiving and referring requests for information:
 - a. All requests for public information must be received in writing.
 - b. Email and facsimile requests shall not be considered valid unless sent directly by the requester to the RMO.
 - c. Any employee receiving a written request for information via regular mail or hand-delivery must forward it immediately to the RMO.
 - d. Individuals contacting TSTC with verbal inquiries regarding public information shall be advised to submit their requests in writing directly to the RMO.
3. The following actions shall be taken when handling routine requests for information:
 - a. When it is clear from the request that requested information is not excepted from required disclosure, the RMO shall respond or coordinate responses to the request. The RMO shall comply with routine requests by promptly providing the public information for inspection or duplication in the offices of TSTC or by sending copies of the public information by first class United States mail providing the person requesting the information requests that copies be provided by mail and pays the postage and any other charges that

- the requester has accrued.
- b. Charges for providing a copy of public information shall accrue at the time the requester is advised of charges.
 - c. The RMO must maintain a file containing all written statements issued pursuant to the instructions above in a readily accessible location.
4. The following actions shall be taken when handling non-routine requests for information:
- a. When it is not clear whether requested information is excepted from required disclosure by [the Act](#), the RMO shall consult with the Office of General Counsel within the timeframes outlined in the Act to determine whether the records in question should be withheld or released.
 - b. 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 should 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.
 - c. If seeking to withhold requested information based upon a Subchapter C exception in the Act, 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.
 - d. The Act's 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 RMO determines that the requested information is unquestionably disclosable and routinely fills the request, the Office of General Counsel must 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 and present it to the Office of General Counsel in order for counsel to make a determination.
5. The following actions shall be taken when handling requests for personal information:
- a. Information that is related to an individual and that is held by TSTC and protected from public disclosure by laws intended to protect that person's privacy interests shall 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](#).
 - b. A person may also request to be informed about information that TSTC collects about an individual, as provided by [Section 559.003\(a\)](#) of the Texas Government Code. Requests for information shall be made in accordance with Item #2 within Section VIII of this policy.

6. In regards to repetitive or redundant requests, if the RMO determines that a requester has made a request for information for which TSTC has previously furnished copies to the requester or made copies available to the requester on payment of applicable charges, the RMO may respond to the request by certifying to the requester that copies of all or part of the requested information, as applicable, were previously furnished or made available to the requester.
7. The following actions shall be taken when responding to requests requiring more than 36 hours of personnel time:
 - a. Per 12-month fiscal year, each requester shall be limited to 36 hours of time spent by TSTC personnel in order to produce the requested public information for inspection and duplication or to provide the requested copies of public information.
 - b. Costs attributable to personnel time in excess of 36 hours per fiscal year shall be eligible for recovery by TSTC. TSTC's fiscal year runs from September 1 to August 31.
8. The following actions shall be taken regarding recovering costs for responding to information requests:
 - a. In accordance with Subchapter F of [the Act](#) and the [Texas Administrative Code, Title 1, Part 3, Chapter 70](#), TSTC is authorized to recover the full costs for retrieving and copying public records.
 - b. 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. In regards to 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 RMO shall make a good faith attempt to notify that person of the request for the Attorney General decision according to the procedures outlined in Section 552.305 of [the Act](#).