61.01.02.W1.01/BF   **Public Information (Open Records Request)**
Effective Date – November 22, 2010
Revised – January 12, 2015
Supplements TAMUS Policy 61.01.02, Texas Government Code, Chapter 552

1.   GENERAL

   1.1   This procedure is required by System Policy 61.01.02, Public Information, and it establishes minimum procedures to be used in the receipt, referral, and response to public information requests for West Texas A&M University (WTAMU).

2.   PUBLIC INFORMATION (OPEN RECORDS REQUEST)

   2.1   The Texas Public Information Act, Chapter 552, Texas Government Code (the "Act"), specifies that, with certain exceptions, all information collected, assembled, or maintained pursuant to law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body, if the governmental body owns or has access to the information, is public information and must be available to the public during normal business hours of the governmental body.

   2.2   As used in the Act, the term "governmental body" includes boards, committees, institutions, agencies, or offices that are within or created by the executive branch of the state government, including the system Board of Regents (board) and WTAMU, and that are under the direction of one or more elected or appointed members.

3.   PUBLIC INFORMATION OFFICER

   3.1   The President/CEO shall designate the Public Information Officer ("PIO") for West Texas A&M University.

   3.2   The PIO for West Texas A&M University is the Assistant Vice President for Business and Finance. The Vice Assistant President for Business and Finance compiles and coordinates responses to all public information requests. The Vice President for Institutional Advancement is the backup/alternate PIO to act in the PIO's absence. The President/CEO retains the ultimate responsibility for WTAMU's full compliance with the Act. The PIO and backup shall complete open records training as required by Section 552.012 of the Act.

   3.3   **All departments, faculty, and staff should ensure that the PIO promptly receives all requests for public information, preferably by e-mail to confirm and track these time-sensitive requests.**

   3.4   The PIO shall not make any inquiry of a requestor except to establish proper identification, to seek clarification to determine what public information is being requested, or to seek to narrow the scope of a request for a large amount of information.

   3.5   The PIO shall keep an accurate record of all public information requests for a given year, including the name and contact information of each requestor, the date on which a request is received, the date on which the records are made available or copies provided, the type of information requested, which departments were requested to provide information by the PIO, which departments provided the

requested information, how much is charged to and paid by the requestor for copies and other costs, if any, and any other information necessary to demonstrate compliance with the Act for each request. The PIO should also keep a record of when an Attorney General decision is sought, and the decision of the Attorney General for a given request, if any.

3.6   If necessary, the PIO shall ensure that timely requests are made to the Office of the Attorney General.

4.   PUBLIC INFORMATION REQUESTS

4.1   Any public information request must be in writing and should be directed to the PIO. A person submitting a public information request by email or facsimile must send the request to the PIO. If a public information request is mailed or delivered to an employee other than the PIO, that employee shall **immediately** forward the request to the PIO.

4.2   After receiving a public information request, the PIO shall promptly:

4.2.1   Assign a tracking date to the request.

4.2.2   Forward a copy of the request to the department(s) that may reasonably possess the requested information. The department(s) shall search for the requested information and notify the PIO by the next business day, if possible, on the response. A copy of the records containing the responsive information shall be forwarded to the PIO as soon as possible.

4.2.3   Send a written acknowledgment of receipt to the requestor.

4.2.4   Notify the President/CEO of requests that may have public relations significance.

4.2.5   Forward a copy of the request and responsive documents to the Office of General Counsel if the PIO has a question regarding the applicability of an exception to disclosure under the Act.

4.3   If the PIO determines, through consultation with the Office of General Counsel, the requested information is public, the PIO shall promptly produce to the requestor a copy of the information or produce the information for inspection.

4.4   If the information is unavailable within 10 business days after receiving a written request for information, the PIO 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. The requestor must respond to any written estimate of charges within 10 business days of the date WTAMU sent it or the request is considered automatically withdrawn.

5.   COST OF PRODUCTION REQUESTS

5.1   If assessed, charges shall not be excessive. If estimated costs exceed $100.00, WTAMU may require a bond, prepayment, or deposit. WTAMU can also require payment of overdue balances exceeding $100.00, or obtain a security deposit, before processing additional requests from the requestor. Total cost of productions will be calculated as provided in Texas Government Code, Title 5, Subtitle A, Chapter 552.

5.2   Public information shall be furnished without charge or at a reduced rate if WTAMU determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Requests for reduced charges should be in writing and addressed to the PIO.

6. PUBLIC INFORMATION DECISIONS

6.1 If WTAMU receives a public information request that: 1) it considers to be within one of the Act's exceptions to disclosure; and 2) it wishes to withhold responsive information from public disclosure, a request for decision must be submitted to the Attorney General within 10 business days after receiving the public information request. In some limited circumstances, the Act may permit the withholding of information without seeking an Attorney General decision, e.g. FERPA.

6.2 The PIO will segregate responsive public information from the information submitted to the Attorney General and will promptly produce the public information to the requestor.

6.3 The PIO shall immediately submit information to the Office of General Counsel for review and for preparation of the Attorney General decision request, including the following:

(a) a copy of the written public information request, and information showing when the request was first received;

(b) information showing who first received the request;

(c) a copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested; and

(d) a list of all departments that were requested by the PIO to provide responsive information, and what departments actually provided the information.

6.4 The Office of General Counsel will then forward the decision request and the information to the Attorney General.

7. EMPLOYEE PUBLIC INFORMATION REQUESTS

7.1 Texas A&M University System employees are not authorized to submit public information requests while acting in their official capacity. Any public information request made by an employee must be submitted in that employee's individual capacity as a private citizen.

7.2 The willful misuse of information received through the Act may subject the employee to the loss of individual indemnification by the state. This regulation does not affect employees' access to information in their official personnel files.

CONTACT FOR INTERPRETATION: Assistant Vice President for Business and Finance

APPROVAL: _____   January 12, 2015
                    President/CEO   Date