



HEART OF TEXAS WORKFORCE DEVELOPMENT BOARD, INC.

OPEN RECORDS – PUBLIC INFORMATION ACT

Texas law gives you the right to access government records and government officials may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall promptly release requested information that is not confidential by law or information for which an exception to disclosure has been sought.

Rights of Requestors

You have the right to:

- Prompt access to information that is not confidential or otherwise protected;
- Receive treatment equal to all other requestors, including accommodation in accordance with ADA requirements;
- Receive certain kinds of information without exceptions, like the voting record of public officials or information related to the receipt, expenditure or estimated need for public funds, and other items;
- Receive a statement of estimated charges, when charges exceed \$40, in advance of work being started and opportunity to renegotiate the request if charges are too high;
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both;
- A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public;
- Notice when the governmental body asks the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions;
- Lodge a complaint about charges for public records with the General Services Commission and a complaint related to other possible violations with the county attorney, criminal district attorney, or Office of the Attorney General.

Responsibilities of Governmental Bodies

All governmental bodies responding to information requests have the responsibility to:

- Establish reasonable procedures for inspecting and copying public information and inform requestors of these procedures;
- Treat all requestors equally, including accommodation in accordance with ADA requirements;
- Be informed about open records laws and educate employees on the requirements of those laws;
- Inform requestors of the estimated charges greater than \$40 and any changes in the estimates, and confirm that the requestor agrees in writing to pay the costs before finalizing the request;
- Inform the requestor if the information cannot be provided promptly and establish a date and time to provide it within a reasonable time;
- Ask for a ruling from the Office of the Attorney General regarding any information to be withheld, and inform the requestor of this request for ruling;
- Segregate public information from information that might be withheld and provide that public information promptly;
- Inform third parties if their proprietary information is being requested from the governmental body;
- Respond in writing to all written communications from the General Services commission or the Office of the Attorney General regarding complaints about violations of the Act.

Procedures to Obtain Information

- Submit a written request (mail, fax, email or in person) according to a governmental body's reasonable procedures.
- Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the items requested.
- Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

A. Information to be released

- You may review it promptly, and if it cannot be produced within 10 working days the public information officer will notify you in writing of the reasonable date and time when it will be available.
- Keep appointments to inspect records or pick up copies or risk losing the opportunity to see the information.

Cost of Records

- You must respond to any written estimate of charges within 10 days of the date the governmental body sent it or the request may be deemed withdrawn.
- If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit.
- You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.

B. Information that may be withheld due to an exception

By the 10th business day after you file your request, a governmental body must:

1. Request an Attorney General opinion and state which exceptions apply;
2. Notify the requestor of the referral to the Attorney General; and
3. Notify third parties if the request involves their proprietary information.

- Failure to request an AG opinion and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body.
- Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.
- The Attorney General must issue an opinion by the 65th working day from the day you made the request.
- Governmental bodies must release information determined by the Attorney General to be open or file suit within 20 calendar days, and they may not ask the Attorney General to "reconsider" an opinion.