

Texas Tech University System
Regulation 0701

Public Records

Approved: November 1, 2024

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.

- h. System and component institutional employees are not authorized to submit public information requests to the System or its component institutions 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.
- i. The Office of General Counsel will report to the Attorney General each month for the System and each component institution, the information the Attorney General requires regarding:
 - i. the number and nature of requests for information the state governmental body processes under this chapter in the period covered by the report; and
 - ii. the cost to the state governmental body in that period in terms of capital expenditures and personnel time of:
 - 1. responding to requests for information under this chapter; and
 - 2. making information available to the public by means of the internet or another electronic format. *Texas Government Code, § 552.010.

3. Charges and Requestor Information

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- g. The charges outlined herein do not apply to any publication that is compiled and printed by or for the System for public dissemination. In such case, the System may determine the appropriate charge, if any, for providing the publication.
- h. The Act provides that all information collected, assembled, or maintained by governmental bodies is public information and available to the public during normal business hours, unless the information falls within certain exceptions specified in 2 daitc cerds

hours per month and 36 hours per fiscal year. Regardless of any statements to the contrary in Appendix B, requestors who exceed the 15 or 36-hour time limits shall be required to pay all costs attributable to cost of materials, overhead and personnel time regardless of whether the

THE PUBLIC INFORMATION ACT

Rights of Requestors

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- Prompt access to information that is not confidential or otherwise protected;
- Receive treatment **equal** to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- Receive certain kinds of **information without exceptions**, like the voting record of public officials, and other information;
- Receive a

LEY DE INFORMACIÓN PÚBLICA

Derechos del Solicitante

Tiene derecho a:

- Acceso sin demora a información que no es confidencial o está de otra manera protegida;
- Ser tratado **igual** que los demás solicitantes, incluyendo instalaciones que cumplen con los requisitos de la Ley para Personas con Discapacidades (Americans with Disabilities Act, ADA);
- Recibir cierta información **sin excepciones**, tal como el expediente de votación de un funcionario público y otra información;
- Recibir por adelantado una lista detallada de los costos calculados, cuando el costo sobrepase 40 dólares, por trabajo que se haga y por la oportunidad de modificar la solicitud en respuesta a esta lista detallada;
- Elegir si desea inspeccionar la información solicitada (generalmente sin costo alguno), recibir copias de la información o ambas opciones;
- Una reducción o **eliminación** del costo si el organismo gubernamental determina que el acceso a la información beneficia a todo el público en general;
- Recibir una copia de la comunicación del organismo gubernamental la cual le solicita a la Procuraduría General una decisión sobre si se puede negar la información bajo una de las excepciones aceptadas o una copia redactada si dicha comunicación revela la información solicitada;
- Presentar una queja escrita ante la Procuraduría General de Texas por sobrecargos al brindar acceso a información pública. Las quejas sobre otras posibles violaciones se pueden presentar ante el juez de condado o distrito en el condado donde el organismo gubernamental, aparte de una agencia estatal, está localizado. Si la queja es contra el juez de distrito o del condado, la queja se debe presentar ante la Procuraduría General.

Responsabilidades de los Organismos Gubernamentales

Todos los organismos gubernamentales tienen la obligación de:

- **Establecer procedimientos razonables** para inspeccionar o copiar información pública e informar a los solicitantes de este procedimiento;
- Tratar a **todos** los solicitantes igual y brindarles las comodidades y facilidades razonables, incluyendo instalaciones que cumplen con los requisitos de la ADA;
- Estar informado sobre las leyes de transparencia gubernamental y educar a los empleados sobre los requisitos de tales leyes;
- Informar al solicitante del costo calculado si es más de 40 dólares y de cualquier cambio en los cálculos que sobrepasen el 20 por ciento del cálculo original y **confirmar que el solicitante** acepta los cargos o ha cambiado la solicitud, por escrito, antes de analizarla;
- Informarle al solicitante si no se puede proveer la información con prontitud y establecer **una fecha y hora para presentarla** dentro de un tiempo razonable;
- Solicitar una **decisión de la Procuraduría General** sobre cualquier información que el organismo gubernamental no desee revelar y enviar una copia de la solicitud o una copia redactada al solicitante;
- ~~Separar la información pública de la información que se puede retener~~ y proveer al público la información pública **rápidamente**;
- Hacer un intento de buena fe de una copia de la solicitud o una copia r•

APPENDIX B

CHARGES FOR REQUESTED RECORDS AND INFORMATION

A. Charges for copying requested records and information shall be made in accordance with the following schedule:

(1) A charge of less than \$15 will not be made for copying and supplying records and/or information. However, if an individual requestor submits separate requests on the same day, the Office of General Counsel may accumulate such individual charges into a single billing provided it is \$15 or greater. A different email address does not constitute a different requestor, and the Office of General Counsel may request proof of identity when an individual is believed to be using multiple email addresses or otherwise attempting to circumvent charges.

(2) Standard-size Copy

(a) The charge for readily available information on standard-size paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page. A standard-size copy is defined as a printed image on one side of a piece of paper that measures no greater than 8½ by 14 inches. Each side of a piece of paper on which an image is made is counted as a single copy.

(b) Readily available information is defined as information that already exists in printed form or information that is stored electronically and is ready to be printed or copied without requiring any programming, manipulation or redaction, or information that already exists on microfiche or microfilm. Information that requires a substantial time to locate or prepare (where location and preparation are a necessity and not as a result of inefficient record keeping) for release is not readily available information. In general, records older than 3 years are not readily available.

(3) Nonstandard-size Copy

(a) A nonstandard-size copy is defined as any paper copy greater than 8½ by 14 inches or one supplied to the requester.

Non-rewritable CD (CD-R)

B. Access to Information Where Copies Are Not Requested

(1) No charge should be assessed for making available for inspection any public information maintained in a standard paper record, except as follows:

- a. The governmental body may charge to make a copy of the page from which information must be redacted. *Texas Administration Code § 70.5.
- b. The governmental body may charge for personnel time in accordance with A.(4) above to manipulate data (redaction) if the original contains information that is confidential.
- c. The governmental body has 16 or more employees and the information requested takes more than 5 hours to prepare for inspection; and
 1. is older than five years; or
 2. Completely fills six or more archival boxes. *Texas Administration Code § 70.5. * Texas Government Code § 552.271

(2) In addition, no charge should be assessed for inspection of an electronic record unless complying with the request will require programming or manipulation of data. Redacting confidential information in electronic records is manipulation of data. *Texas Government Code § 552.272.

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- (1) If a request for a copy of public information or a request to inspect information is expected to result in a charge of \$40 or higher, the Office of General Counsel will provide the requestor a written itemized statement. The requestor must accept the charges over \$40 before documents will be made available to the requestor. *Texas Government Code § 552.2615 Requestors may also modify their request or file a complaint with the Attorney General in response to the estimate. If charges are less than \$40, the Office of General Counsel may make the documents available at any time prior to the statutory deadline and require the costs be paid before sending a copy or allowing the requestor to view the documents.
- (2) If the estimated charges exceed \$100.00 the requestor will be required to either pay a deposit of 50% of the total estimated costs or provide a bond for the full amount of the estimated costs before the request can proceed. If the requestor accepts the costs, the governmental body must receive the deposit or bond within 10 business days of requestor receiving the estimate or the request will be deemed withdrawn. Requestors may also modify their request or file a complaint with the Attorney General in response to the estimate. If the requestor does not respond within 10 business days of receiving the estimate, their request will be deemed withdrawn.

E. Required Deposit or Bond for unpaid amounts.

- (1) Amounts due from requestors for costs are accrued when documents are made available to the requestor. Documents are “made available” when the Office of General Counsel has completed any work necessary to make the documents available to the requestor and has notified the requestor of any costs due to receive a copy or view the documents. When the total of accrued costs exceeds \$100, the requestor must provide a deposit or bond for the amount due before new requests are processed or additional documents will be provided. The Office of General Counsel or the Public Information Act Officer will provide a statement to the requestor fully documenting the accrued unpaid amounts.
- (2) The required deposit or bond for the full amount owed must be received by the Public Information Act Officer within ten (10) business days of receiving the statement of unpaid costs. If full payment is not received by the 10th business day, then all new