



ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL

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SUBJECT

REQUESTS FOR RECORDS

SUB-TOPIC

TEXAS PUBLIC INFORMATION ACT

itemized statement by 20 percent or more, the institution shall send to the requestor a written updated itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If the requestor does not respond in writing to the updated estimate in the time and manner described above, the request is considered to have been withdrawn by the requestor.

If the actual charges that an institution imposes for a copy of public information, or for inspecting a paper record exceeds \$40, the charges may not exceed:

1. the amount estimated in the updated itemized statement;
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the itemized statement.

An itemized statement or updated itemized statement is considered to have been sent by the institution to the requestor on the date that:

1. the statement is delivered to the requestor in person;
2. the institution deposits the properly addressed statement in the United States mail;
3. the institution transmits the properly addressed statement by electronic mail or facsimile transmission, if the requestor agrees to receive the statement by electronic mail or facsimile transmission, as applicable.

A requestor is considered to have responded to the itemized statement or the updated itemized statement on the date that:

1. the response is delivered to the institution in person;
2. the requestor deposits the properly addressed response in the United States mail;
or
3. the requestor transmits the properly addressed response to the institution by electronic mail or facsimile transmission.

These time lines do not affect the deadlines required for requesting an Attorney General's decision.

TIME OF THE ESSENCE

If an institution wishes to withhold requested information based upon a Subchapter C exception and the Office of General Counsel determines there has been no prior controlling determination by the courts or the Attorney General that the records are clearly of the type that fall within the exception to be relied upon, the Public



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Information Act provides that a decision regarding applicability of the specified exception must be requested from the Attorney General within ten business days from the date the request is received. Further, the requestor must be provided the following information within the same time frame:

1. A written statement that the institution wishes to withhold the requested information and has asked for a decision from the Attorney General about whether the information is within an exception to public disclosure; and
2. A copy of the institution's written communication to the Attorney General asking for the decision or, if the written communication disclosed the requested information, a redacted copy of that written communication.

If a decision of the Attorney General is not requested within ten business days and the requestor is not provided with the information described in the paragraph above, the information is subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. All related supplementary information required by the Attorney General must be provided within 15 business days from the date that the request is received.

These 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 Public Information Officer determines that the requested information is unquestionably disclosable and routinely fills the request, the Office of General Counsel should have at least five business days of the ten-day decision deadline to review the request. In many cases, it may be necessary to compile the requested material, or representative material if filling the entire request is difficult and time consuming, and present it to the Office of General Counsel in order for counsel to make this determination. In all cases where an Attorney General's decision is deemed necessary by the Office of General Counsel, the requested information or representative material must be compiled and provided to the Office of General Counsel for forwarding to the Attorney General along with the request for decision. To facilitate the timely review by the Office of General Counsel, the Public Information Officer should begin compiling the requested information at the same time the Office of General Counsel is first contacted concerning the request.

All possible exceptions must be communicated to the Office of General Counsel. If an exception is not raised before the Attorney General, it is waived. The only exceptions to waiver are exceptions based on a requirement of federal law or exceptions involving third party property or privacy interests.