

ADMINISTRATIVE  
POLICIES AND PROCEDURES MANUAL

SUBJECT

REQUESTS FOR RECORDS

SUB-TOPIC

TEXAS PUBLIC INFORMATION ACT

The Public 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.