



SUB-TOPIC

TEXAS PUBLIC INFORMATION ACT

As a general rule, cover letters responding to requests for public information should be signed by the Public Information Officer or designee.

#### RESOLUTION OF QUESTIONS

Questions regarding the procedure for answering requests for public information should be directed to the Office of the Vice President for Business Affairs.

#### RECOVERY OF COSTS AND GUIDELINES

In accordance with Subchapter F of the Act and Title 1 of the Texas Administrative Code, it is the policy of The University of Texas System to recover the full costs for retrieving and copying public records. Officers filling requests for public information should account for all costs in fulfilling these requests using the following guidelines.

1. The Public Information Officer shall make a preliminary estimate of the cost of retrieving and copying public records under these guidelines and notify the requestor, giving the requestor the option to agree to the cost and submit necessary prepayment (see 3c. below), and alter, or withdraw the request. If charges are in excess of \$40, the Public Information Officer should follow the procedures outlined in "Itemized Estimate of Charges."
2. Definitions:
  - a. Public Information means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body and the governmental body owns the information or has a right of access to it.
  - b. Full Cost means the sum of all direct costs plus a proportional share of overhead, or indirect costs.
  - c. Standard-size copy means a printed impression on one side of a piece of paper that measures up to 8-1/2" X 14". Each side of a piece of paper on which an impression is made is counted as a single copy. A piece of paper that is printed on both sides is counted as two copies.
  - d. Nonstandard-size copy means a copy of public information that is made available to a requestor in any format other than a standard-size paper copy. Microfiche, microfilm, diskettes, magnetic tapes, CD-ROM, and nonstandard-size paper copies are examples of nonstandard-size copies.



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- e. Readily available information means 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, or information that already exists on microfiche or microfilm. Information that requires a substantial amount of time to locate or prepare for release is not readily available information.
3. a. Inspection of Information: The U.T. System adopts the rules for establishing charges to be made for public records set out in the Texas Administrative Code, Title 1, and the Act as summarized below:  
Where only inspection of paper documents is requested (i.e., no copies made), no charge may be assessed except when:
- i. A requested page contains confidential information that must be edited from the document before the information can be released. The cost of making a copy of the edited page may be imposed.
  - ii. The public information specifically requested for inspection by the requestor:
    - A. Is older than five years; or completely fills, or when assembled will completely fill, six or more archival boxes; and
    - B. The Public Information Officer or designee estimates that more than five hours will be required to make the public information available for inspection.
- The Public Information Officer or designee may require the requestor pay, or to make a deposit or post a bond for the payment of anticipated personnel costs for making available for inspection such public information.
- Where only inspection of information that exists in an electronic medium is requested, no charge may be assessed for access to the information, unless complying with the request will require programming or manipulation of data. In such a case, the requestor must be notified of estimated charges to be imposed before assembling the information.
- b. Waiver or Reduction: Costs shall be waived or reduced if it is determined that waiver or reduction is in the public interest.
- c. Prepayment: A bond or deposit for payment of anticipated costs for the preparation of a copy of public records shall be required if the charges for providing the copy of the public information is estimated to exceed \$100 and if the Public Information Officer or designee has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy.



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The Public Information Officer or designee may require a deposit or bond for payment of unpaid amounts owing to the institution before preparing a copy of public information in response to a new request if those unpaid amounts exceed \$100. A request for an Attorney General's opinion must still be made within 10 days necessitating a review of the public information requested, even though the requestor's copy may not be prepared. The institution must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs, as applicable, before requiring a deposit or bond under this section. The documentation is subject to required public disclosure under this chapter.

A request for a copy of public information is considered to have been received by an institution on the date the institution receives the deposit or bond for payment of anticipated costs or unpaid amounts if the institution's Public Information Officer or the officer's agent requires a deposit or bond in accordance with this section.

- d. Charge Schedule: The following is a summary of charges for copies of public information that have been adopted by the General Services Commission. System Administration and component institutions shall maintain a record of charges for public information requests:

<u>Service Rendered</u>	<u>Charge</u>
Standard-size paper copy	\$ .10 per page
Nonstandard-size copy	
Diskette	\$ 1.00 each
Magnetic tape	
4 mm.	\$13.50 each
8 mm.	12.00 each
9-track	11.00 each
Data cartridge	
2000 Series	\$17.50 each
3000 Series	20.00 each
6000 Series	25.00 each
9000 Series	35.00 each
600A	20.00 each
Tape cartridge	
250 MB	\$38.00 each
525 MB	45.00 each
VHS video cassette	\$ 2.50 each
Audio cassette	\$ 1.00 each
Oversized paper copy	\$ .50 each



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Mylar (36", 42", and 48")	
3 mil.	\$ .85/linear foot
4 mil.	1.10/linear foot
5 mil.	1.35/linear foot
Blueline/blueprint paper (all widths)	\$ .20/linear foot
Other	Actual cost
Personnel Charges: (See notes 1 & 2)	
Programming personnel (See note 3)	\$28.50 per hour
Other personnel	\$15.00 per hour
Overhead charge(20% of Total Personnel Charges)	X \$.20
Microfiche or microfilm charge	
Paper copy	\$ .10 per page
Fiche or film copy	Actual cost
Remote document retrieval charge (See note 4)	Actual cost
Computer resource charge (See note 5)	
Mainframe	\$10.00 per minute
Midsize	1.50 per minute
Client/Server	2.20 per hour
PC or LAN	1.00 per hour
Miscellaneous supplies (See note 6)	Actual cost
Postage and shipping charge (See note 6)	Actual cost
Photographs	Actual cost
Other costs	Actual cost
Outsourced/Contracted services	Actual cost
No Sales Tax	No Sales Tax shall be applied to copies of Public Information

Charge Schedule Notes

- 1.) A personnel, overhead or document retrieval charge should not be made for requests that are for 50 or fewer pages of readily available information in standard-size form, unless the pages to be copied are located in two or more separate buildings that are not physically connected with each other, or are in a remote storage facility. Buildings are not separate if they are connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility.
- 2.) Personnel time should not be charged for the time spent by an attorney, legal assistant or other person to determine whether the requested information is excepted from disclosure.



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- 3.) A charge for programming time is made if the request requires a programmer to enter data in order to execute an existing program or to create a new program in order to access the information.
- 4.) Where a charge is made for remote document retrieval, no additional personnel charge should be factored in for time spent locating documents.
- 5.) A charge made to recover computer utilization cost is the actual time the computer uses to execute a particular program times the applicable rate. It does not include programming or printing time. No charge should be made for computer print-out time.
- 6.) Actual costs of supplies - labels, boxes, etc.- necessary to produce the requested information and all postal and shipping charges necessary to transmit the information should be added to the total charge.

e. Examples of Charges for Copies of Public Information: The following tables present a few examples of the calculation of charges for information.

TABLE 1

Readily Available Information (fewer than 50 pages):  
\$.10 per copy X number of copies (standard-size paper copies)  
or cost of nonstandard copy (e.g., diskette)  
+ Postage and shipping (if applicable)

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\$ TOTAL CHARGE

TABLE 2

Readily Available Information (more than 50 pages):  
\$.10 per copy x number of copies (standard-size copies)  
or cost of nonstandard copy (e.g., diskette)  
+ Personnel charge (if applicable)  
+ Overhead charge (if applicable)  
+ Document retrieval charge (if applicable)  
+ Actual cost of miscellaneous supplies (if applicable)  
+ Postage and shipping (if applicable)

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\$ TOTAL CHARGE



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TABLE 3

Information that is Not Readily Available:

- Cost of copy (standard-size or nonstandard-size, whichever applies)
- + Personnel charge (if applicable)
- + Overhead charge (if applicable)
- + Computer resource charge (if applicable)
- + Programming time (if applicable)
- + Document retrieval charge (if applicable)
- + Actual cost of miscellaneous supplies (if applicable)
- + Postage and shipping (if applicable)

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\$ TOTAL CHARGE

- f. Billing Form: Exhibits A3 and A4 are the billing forms to be used for the invoicing of requests for public records.
4. The entire amount of fees collected pursuant to policies outlined herein should be deposited back to the appropriate fund from which costs were incurred.

REGISTER OF REQUESTS FOR PUBLIC INFORMATION RECEIVED

U.T. System Administration and institutions shall maintain a register which records receipt and processing of requests for public information.

The Register of Public Information Requests for The University of Texas at Dallas is maintained by the Office of the Vice President for Business Affairs. Each University area that has obtained the approval of the Vice President for Business Affairs to process routine requests for records, such as mailing addresses or labels, should complete a register page (Exhibit A5) and forward it to the Office of the Vice President for Business Affairs on a monthly basis.