**Release of Information Pursuant to the UPPS No. 01.04.30**

**Texas Public Information Act Issue No. 9**

 **Effective Date: 08/06/2018**

 **Next Review Date: 03/01/2028 (E10Y)**

 **Sr. Reviewer: Vice President for Finance and Support Services**

**01. POLICY STATEMENT**

01.01 The purpose of this policy is to:

a. summarize the [Texas Public Information Act](http://www.statutes.legis.state.tx.us/SOTWDocs/GV/htm/GV.552.htm), hereafter referred to as the Act; and

b. explain the procedures to follow after receiving a written request for information from internal or external requestors required by the Act.

**02. SUMMARY OF THE ACT**

02.01 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 the Act. Many of those exceptions are summarized as follows:

a. information that is confidential under other specific statutes or by judicial decisions;

b. certain personnel information that would constitute a clearly unwarranted invasion of personal privacy (employees who wish to protect from disclosure their home addresses, home telephone numbers, and whether they have family members, may do so by contacting Human Resources. Social security numbers are protected from disclosure);

c. certain information relating to litigation if the litigation is pending or reasonably anticipated on the date the request is made;

d. information relating to competition or bidding;

e. information relating to the location or price of property before public announcement or award of contract;

f. certain legislative documents;

g. certain legal matters;

h. certain law enforcement records;

i. certain private communications of an elected office-holder;

j. certain commercial or financial information;

k. certain memoranda containing advice, opinions, or recommendations on policy matters;

l. certain information relating to regulation of financial institutions or securities;

m. geological or geophysical information;

n. certain student records;

o. certain birth and death records;

p. certain audit working records;

q. certain addresses, telephone numbers, social security numbers, and personal family information;

r. official prescription forms;

s. photographs of peace officers;

t. certain rare books and original manuscripts;

u. certain documents held for historical research;

v. certain test items;

w. names of applicants for chief executive officer of institutions of higher education;

x. certain library records;

y. certain audits;

z. names of applicants for superintendent of public school districts;

aa. certain information submitted by a potential vendor or contractor;

bb. personal information relating to participants in neighborhood crime watch organizations;

cc. motor vehicle inspection information;

dd. certain motor vehicle records;

ee. certain economic development information; and

ff. crime victim information.

02.02 Texas State University is a governmental body; therefore, records it maintains are subject to the Act's provisions. The Act applies to records kept in all forms, including books, paper, letter, document, email, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory. Any electronic communication, including emails, text messages, and instant messages, created, transmitted, received or maintained on any device, even a personally-owned device, is public information if the communication is in connection with the transaction of official university business.

02.03 Tangible items such as tools and keys are not covered by the Act. Personal notes not made or kept in the course of university business are not subject to disclosure under the Act.

**03. PROCEDURES FOR RELEASE OF INFORMATION**

03.01 Persons who receive requests for information under the Act should promptly notify the Public Information coordinator in the Office of the Texas State University System (TSUS) General Counsel.

a. The Office of the TSUS General Counsel is the president's designee as officer for public records for the purpose of complying with the Act.

b. The Act requires that the university promptly produce public records for inspection or duplication or both within a reasonable time. Minimally, a written acknowledgement of requests should be provided to requestors within ten business days of receipt of the request. If the PIC, in consultation with the PIC assistants (PICA) and the designated owner of information requested, believes that the information requested is excepted from the required public disclosure, he or she must request a decision from the attorney general within ten business days after receiving a written request. If he or she fails to request a decision, the information is presumed to be public information.

03.02 Extending Courtesies – University employees should extend to persons requesting public records all reasonable comfort and facility for the full exercise of the rights granted by the Act. University employees should treat each request for information uniformly without regard to the position or occupation of the person making the request, the person on whose behalf the request is made, or because the individual is a member of the news media (see [UPPS No. 06.05.02](http://policies.txstate.edu/university-policies/06-05-02.html), Responding to Media Inquiries).

03.03 Limiting Inquiries – University employees should not make any inquiry of any person who applies to inspect or copy records except to establish proper identification, identify the public records being requested, and obtain clarifying details to assure accurate compliance, or establish whether the university is authorized to refuse the request.

03.04 Determine Availability – The PIC, PICA, and the designated information owner for the office that maintains the requested information will review the request and determine whether the information is available to the requestor. If they believe that the information is not available to the requestor, the PIC will request a decision from the attorney general on the issue. See the [Data Ownership Guide](http://gato-docs.its.txstate.edu/jcr%3Aafb55e25-cff2-485b-adf1-66315f7b4017/Data%20Ownership%20Guide.pdf) (under the University Standards and Guides section of the web page) for a list of the offices with ownership responsibility for commonly-requested information.

1. Requests for records must be in writing. Pursuant to the Texas Public Information Act, Texas State has designated the following email address and fax number, physical address, and mailing address to receive requests for public information held by Texas State. Please note that a request sent to any email address or fax number other than those listed below does not trigger the requirements of the Public Information Act. To request information from Texas State, please contact:
2. By email: TSUSGenCoun@txstate.edu**;**
3. By fax: 512-245-9633;
4. In person: Texas State Public Information coordinator, TSUS Office of General Counsel, J. C. Kellam Building Suite 1040, 601 University Drive, San Marcos, TX 78666; or
5. By mail: Texas State Public Information coordinator, TSUS Office of General Counsel, J. C. Kellam Building. Suite 1040, 601 University Drive, San Marcos, TX 78666.

b. The Act does not require that the university prepare new information, provide it in the form requested, or comply with standing requests. However, if information is readily available in the form requested, it should be provided in that form. If there is uncertainty, the PIC and information owner will together determine the best means of providing information.

03.05 Determining Inspection Procedures – The PIC, PICA, and the information owner for the office that maintains the records will determine, on a case-by-case basis, the procedures by which public records may be inspected efficiently, safely, and without delay.

03.06 Charges for Copies of Public Records – The university may require persons requesting copies of university records to pay a reasonable reproduction charge before delivering the copies to the requestors. These costs are set forth on the [Office of Attorney General website](https://www.texasattorneygeneral.gov/og/charges-for-public-information) by following the Cost Rules[link](http://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=4&ti=1&pt=3&ch=70&rl=Y). An itemized list of charges (if any) and a statement that charges must be paid in advance should be provided to the requestor, when applicable. The university may, in appropriate cases, require a bond for payment of costs for the preparation of public records.

**04. REVIEWER OF THIS UPPS**

04.01 Reviewer of this UPPS includes the following:

Position Date

Vice President for Finance and March 1 E10Y

Support Services

**05. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Vice President for Finance and Support Services; senior reviewer of this UPPS

President