



Chambers County Public Information Policy

Texas Public Information Act

Effective Date: 12-22-2009

Last Revised: 12-22-2009

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1. POLICY STATEMENT

It is the policy of the state of Texas that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees in accordance with the Texas Public Information Act ("the Act"), *Government Code, Chapter 552*. This procedure shall be liberally construed in favor of granting a request for information.

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedures is not considered to be a request for information under the

Act and is not subject to this procedure. A request for documents pursuant to a departmental hearing is considered to be a request for information under the Act.

2. RATIONALE

The following sets forth procedures to be followed by Chambers County for complying with the Act. For purposes of this procedure, Chambers County includes Chambers County Commissioners Court and all departments. The term "departments" refers to the general and related departments that comprise Chambers County. The generic term "Department Head" referenced throughout this procedure refers to Elected Officials and Department heads of all departments. It is the responsibility of the Elected Officials and the Department Heads to properly instruct its employees regarding compliance with these procedures and the Act.

3. SCOPE

1. All Chambers County Departments
 2. Does not apply to standard, routine requests as handled on a daily basis by such offices as the County Clerk, District Clerk, and Tax Assessor.
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4. RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

- [Texas Government Code, Chapter 552](#)
- [Texas Government Code, Section 559.004](#)
- [Texas Government Code, Section 559.003](#)

5. CONTACTS

If you have any questions about the Chambers County Public Information Policy, *Texas Public Information Act*, or need to make a public information request, contact the following office:

Public Information Office Phone: 409-267-2411 Fax: 409-267-8296

PO Box 1200, Anahuac, TX 77514

Email: <mailto:publicinfo@co.chambers.tx.us>

6. DEFINITIONS

Public Information: 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.

Full cost: The sum of all direct costs plus a proportional share of overhead or indirect costs.

Standard-size copy: A printed impression on one side of a piece of paper that measures up to 8 1/2 by 14 inches. 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.

Nonstandard-size copy: 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.

Readily available information: 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.

Department Head: The elected official or department head of a respective county department.

7. RESPONSIBILITIES

County Attorney

- Serves as Public Information Office (PIO)
- Reviews this policy for legal compliance;
- Serves as point of contact for questions regarding this policy;
- Serves as counsel for Department Heads;
- Designated agent for coordinating responses to requests for public information;
- Determines whether requested information falls within one of the excepted categories.
- Forwards relevant information to Attorney General along with the request for decision in cases where department is seeking to withhold requested information based upon a Subchapter C exception.

Person Requesting Information

- Makes written request for and receives information in accordance with the Texas Public Information Act. Request must be made in writing to the PIO;
- Makes written request to correct information in accordance with Texas Government Code Section 559.004 and this policy.

Department Heads/Employees

- Immediately informs requestor of public information that he/she must contact the PIO to make the request;
- Works with PIO to provide requested public information.

Public Information Policy Committee

- Meets as needed to review this policy and recommend changes or updates.

*It is not the responsibility of Department Heads, Employees, or the PIO to interpret the information contained in records or to answer questions regarding the information.

8. PROCEDURES

Officers for Public Information and Designated Agents

The Texas Public Information Act designates the Chief Administrator of a governmental body as the officer for public information. The County Judge is the officer for public information for Chambers County. Each Department Head/Official is the officer for public information for his or her department.

The County Attorney is the designated agent for coordinating responses to requests for public information. The County Attorney's Office will be referred to as the Public Information Office (PIO).

General Duties of the Public Information Office (PIO)

The PIO shall make public information available for public inspection and copying; carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and repair, renovate, or rebind public information as necessary to maintain it properly.

The PIO may not inquire into the purpose for which the information will be used or make other inquiry of a requestor except to establish proper identification or as follows:

1. If information requested is unclear, the requestor may be asked to clarify the request;
2. If a large amount of information has been requested, the requestor may be asked how the scope of the request might be narrowed.

All inquiries to the requestor for clarification or narrowing of a request shall be made in writing or email or via facsimile transmission. If the requestor's request for information included the requestor's physical or mailing address, the communication shall be sent by certified mail to the requestor's physical or mailing address. The communication must state that all responses to the inquiry must also be made in writing or email or via facsimile transmission and that failure to respond in a timely manner may result in the request being considered withdrawn. If the PIO does not receive a written response from the requestor by the 61st day after the date the written request for clarification or narrowing is sent, the request for public information is considered to have been withdrawn by the requestor.

The PIO shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whom behalf the request is made, or the status of the individual as a member of the media. The Act provides that Chambers County is not required to

accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

The PIO shall give to the requestor all reasonable comfort and facility for the full exercise of the right granted by the Act.

Sign

Each Department Head, at their office, shall prominently display a sign in the form prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information. The PIO shall display the sign at one or more places in administrative offices of the department where it is plainly visible to:

1. members of the public who request public information in person; and
2. employees whose duties include receiving or responding to public information requests.

Receiving and Referring Requests

All requests for public information should be received in writing. For purposes of this Act, a written request includes a request made in writing that is sent to the PIO by electronic mail or facsimile transmission.

Any Department Head or other employee receiving a written request for information must immediately inform the requestor they must make the request to the PIO.

Email and facsimile requests are not valid unless sent directly by the requestor to the PIO.

Individuals contacting Chambers County with written or verbal inquiries regarding public information held by a department should be advised to submit their requests in writing directly to the PIO.

Routine Requests

When it is clear from the request that requested information is not excepted from required disclosure, the PIO should respond or coordinate responses to the request, notifying the Department Heads appropriate. The PIO should promptly produce public information for inspection, duplication, or both on application by any person. The PIO complies with routine requests by:

1. providing the public information for inspection or duplication in the offices of the department; or
2. sending copies of the public information by first class United States mail if the person requesting the information requests that copies be provided by mail and pays the postage and any other charges that the requestor has accrued.

Charges for providing a copy of public information are considered to accrue at the time the requestor is advised that the copy is available on payment of the applicable charges.

If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the PIO shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information can not be produced for inspection or duplication within 10 business days after the date the information is requested, the PIO shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

A requestor must complete the examination of the information not later than the 10th business day after the date the information is made available. If the requestor does not complete the examination of the information within 10 business days after the date the information is made available and does not file a request for additional time as follows, the requestor is considered to have withdrawn the request. The PIO shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files a written request for additional time. The period must be extended by another 10 business days if, within the additional period, the requestor files a written request for more additional time.

If public information exists in an electronic or magnetic medium, the requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The PIO shall provide a copy in the requested medium if:

1. the department has the technological ability to produce a copy of the requested information in the requested medium;
2. the department is not required to purchase any software or hardware to accommodate the request; and
3. provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the department and a third party.

If the PIO is unable to comply with the request to produce a copy of information in a requested medium, for any of the reasons described above, the PIO must provide a paper copy of the requested information or a copy in another medium that is acceptable to the requestor. The PIO is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

The PIO must provide the written statement to a requestor described below if the PIO determines:

1. that responding to a request for public information will require programming or manipulation of data; and
2. that:

- compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or
- the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement must include:

1. a statement that the information is not available in the requested form;
2. a description of the form in which the information is available;
3. a description of any contract or services that would be required to provide the information in the requested form;
4. a statement of the estimated cost of providing the information in the requested form, as determined in accordance with the guidelines for specifying charges for access to public information;
5. a statement of the anticipated time required to provide the information in the requested form

The PIO shall provide this written statement to the requestor within 20 days after the date of the PIO's receipt of the request. The department has an additional 10 days to provide the statement if written notice is given to the requestor, within 20 days after the date of receipt of the request, that the additional time is needed.

After providing the written statement to the requestor as required above, the PIO does not have any further obligation to provide the information in the requested form or in the form in which it is available unless within 30 days the requestor informs the PIO in writing that the requestor:

1. wants the governmental body to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the governmental body agree; or
2. wants the information in the form in which it is available.

If a requestor does not make a timely written statement as specified above, the requestor is considered to have withdrawn the request for information.

The PIO must maintain a file containing all written statements issued pursuant to instructions above in a readily accessible location.

Non-routine Requests

When it is not clear whether requested information is excepted from required disclosure by the Public Information Act the PIO, within the time frames outlined below, will determine whether the records in question should be withheld or released.

Subchapter C of the Public Information Act excepts a number of categories of information from required disclosure. On determination by the PIO that requested information falls within one of these excepted categories, The PIO shall forward a request for a decision to the Attorney General to confirm that such information shall be withheld from public disclosure. On determination by the PIO that that requested information does not fall within one of the excepted categories, the request shall be processed following procedures specified above for a routine request.

Requests for Personal Information

Special right of access to confidential information

Information related to the person and that is held by the department and protected from public disclosure by laws intended to protect that person's privacy interests will be disclosed to the person or the person's authorized representative in accordance with Sections 552.023, 552.229, and 552.307 of the Act. A person may also request to be informed about information that the department collects about the individual, as provided by Section 559.003(a)(1) of the Texas Government Code. Requests for information should be made in accordance with the section titled "Receiving and Referring Requests" that appears on page 2 of this policy. Nothing in this policy shall allow an individual access to information to which access is denied by the Act or by other law.

Right to request correction of incorrect information

A person is entitled to have the PIO correct information about the individual that is incorrect in accordance with the following procedures, which are established in accordance with Section 559.004 of the *Texas Government Code*. This policy does not apply to an employee of Chambers County who seeks to correct information in that employee's personnel file; such an employee should comply with the personnel policy.

The person should request in writing that the PIO correct information about the person that is held by a department which is incorrect. The request should specifically identify (1) the information that the person believes to be incorrect and (2) the document or other source in which the information is located. The request also should specify the correction that the person requests. Requests for corrections should be made in accordance with the section titled "Receiving and Referring Requests" that appears on page 2 of this policy.

Not later than ten days (excluding Saturdays, Sundays and State and National legal holidays) after the date of the PIO receipt of the request for correction, the PIO shall acknowledge in writing the receipt of the request. The PIO thereafter shall promptly either make the correction to the information as identified by the person or inform the person of the PIO 's refusal to amend the information in accordance with the person's request, the reason for the refusal, and the name

and address of the official to whom the person may request a review of the refusal. The designated official will be the County Judge, as appropriate, or his or her designee.

If the person disagrees with the refusal of the PIO to amend the information, the person may request in writing to the designated official a review of the refusal. Not later than 30 days (excluding Saturdays, Sundays and State and National legal holidays) after the date of the designated official's receipt of the request for review, the official shall complete a review of the matter and make a final determination unless, for good cause, the official extends the thirty-day period.

The PIO will make approved corrections in accordance with all applicable laws and regulations, including those pertaining to records retention. The PIO may make approved corrections by adding a document that amends but does not replace the document containing the incorrect information.

Responding To Repetitious Or Redundant Requests

If the PIO determines that a requestor has made a request for information for which the PIO has previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges, the PIO may respond to the request by certifying to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available. The certification must include:

1. a description of the information for which copies have been previously furnished or made available to the requestor;
2. the date that the PIO received the requestor's original request for that information;
3. the date that the PIO previously furnished copies of or made available copies of the information to the requestor;
4. a certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. the name, title, and signature of the PIO or their agent making the certification.

A charge may not be imposed for making and furnishing the certification. Information not furnished in the previous request must be furnished for the new request.

Requests Requiring More Than 36 Hours of Personnel Time (36 Hour Rule)

Each requestor is limited to 36 hours of time per 12 month fiscal year that personnel of the PIO and departments are required to spend producing public information for inspection and

duplication, or providing copies of public information to the requestor, without recovering its costs attributable to that personnel time.

Each time the PIO complies with a request for public information, the PIO shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. The requestor may not be charged for the amount of time spent preparing the written statement.

If, in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor is expected to equal or exceed 36 hours, the PIO shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses necessary to comply with the request. The written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested. If the PIO determines that additional time is required to prepare the written estimate and provides the requestor with a written statement of that determination, the PIO must provide the written statement as soon as practicable, but on or before the 10th day after the date the PIO provided the notice that additional time was required.

The costs charged for personnel time relating to the cost of locating, compiling, and producing the public information shall be calculated at the rates set by the Texas Attorney General's Office. A summary of the charges is available as Attachment 1. When calculating the amount of time spent complying with an individual's public information request(s), the PIO may not include time spent on:

1. Determining the meaning and/or scope of the request(s);
2. Requesting a clarification from the requestor;
3. Comparing records gathered from different sources;
4. Determining which exceptions to disclosure, if any, may apply to information that is responsive to the request(s).
5. Preparing the information and/or correspondence required for an attorney general decision;
6. Reordering, reorganizing, or in any other way bringing information into compliance with well established and generally accepted information management practices; or
7. Providing instruction to, or learning by, employees or agents of the department of new practices, rules, and/or procedures, including the management of electronic records.

If the PIO provides a requestor with a written statement estimating the cost of personnel time to complete the requestor's request, the PIO is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the written statement was sent, the requestor submits a statement in writing to the governmental body in which the requestor commits to pay the lesser of:

1. the actual costs incurred in complying with the requestor's request, including the cost of materials and personnel time and overhead; or
2. the amount stated in the written statement.

If the requestor fails or refuses to submit a written commitment to pay statement, the requestor is considered to have withdrawn the requestor's pending request for public information.

This rule does not prohibit the PIO from providing a copy of public information without charge or at a reduced rate when it is in the public interest or from waiving a charge for providing a copy of public information when the cost of processing the collection will exceed the amount of the charge. In addition, the 36 hour rule does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. a radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;
2. a newspaper that is qualified under Section 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
3. a newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or
4. a magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

Further, the 36 hour rule does not apply if the requestor is:

1. an elected official of the United States, Texas, or a political subdivision of Texas; or
2. a representative of a publicly funded legal services organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

Itemized Estimate of Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record will result in the imposition of a charge that exceeds \$40, the PIO shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the PIO regarding the alternative method. The PIO must inform the requestor of the responsibilities imposed on the requestor and of the rights granted and give the requestor the information needed to respond, including:

1. that the requestor must provide the PIO with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement and that it is the requestor's choice which type of address to provide;

2. that the request is considered automatically withdrawn if the requestor does not respond in writing to the itemized statement and any updated itemized statement in the appropriate time and manner; and
3. that the requestor may respond to the statement by delivering the written response to the PIO by mail, in person, by facsimile transmission, or by electronic mail.

A request is considered to have been withdrawn by the requestor if the requestor does not respond in writing to the itemized statement by informing the PIO within 10 business days after the date the statement is sent to the requestor that:

1. the requestor will accept the estimated charges;
2. the requestor is modifying the request in response to the itemized statement; or
3. the requestor has sent to the Attorney General a complaint alleging that the requestor has been overcharged for being provided a copy of the public information.

If the PIO later determines, but before it makes the copy or the paper record available, that the estimated charges will exceed the charges detailed in the written itemized statement by 20 percent or more, the PIO 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.

1. If the actual charges that an department imposes for a copy of public information, or for inspecting a paper record exceeds \$40, the charges may not exceed: 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 PIO to the requestor on the date that:

1. the statement is delivered to the requestor 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 department by electronic mail or facsimile transmission.

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 PIO 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 PIO by electronic mail or facsimile transmission.

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

Time of the Essence

If the PIO seeks to withhold requested information based upon a Subchapter C exception, 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 that the request is received. Further, the requestor must be provided the following information within the same time frame:

1. a written statement that the PIO 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 PIO's written communication to the Attorney General asking for the decision or, if the written communication discloses 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 not later than 15 business days after the date that the request is received.

These deadlines make it imperative that the PIO be given as much time as possible to deal with requests to which the legal response is not immediately apparent. Unless the Department Head determines that the requested information is unquestionably disclosable and routinely fills the request, the PIO 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 seek counsel to make this determination. In all cases where an Attorney General's decision is deemed necessary by the PIO, the requested information or representative material must be compiled and provided to the PIO for forwarding to the Attorney General along with the request for decision.

All possible exceptions must be communicated to the PIO. 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.

Proprietary Information of a Third Party

If a request is made for information pertaining to a person's proprietary information that may be subject to exception under the Act and a request for Attorney General decision is made by the PIO, the PIO shall make a good faith attempt to notify that person of the request for the Attorney General decision. Notice must:

1. be in writing and sent within a reasonable time not later than the 10th business day after the date the PIO receives the request for the information; and
2. include:
 - o a copy of the written request for the information received by the PIO; and
 - o a statement, in the form prescribed by the Attorney General, that the person is entitled to submit in writing to the Attorney General within a reasonable time not later than the 10th business day after the date the person receives the notice:
 - each reason the person has as to why the information should be withheld; and
 - a letter, memorandum, or brief in support of that reason.

News Media Requests

An Official, Department Head, or other employee who receives a request for public information from a representative of the news media should direct the media to the PIO. Officials, Department Heads, or employees are not obligated to participate in media interviews. If members of the media enter a departmental office, cause a nuisance or disturbance and remains after being asked to leave, security or law enforcement should be notified immediately. Although County buildings are public buildings, no one has the right to cause disturbances or create nuisances.

It is not considered a violation of this policy if, during disasters or emergency situations, the County Judge, Emergency Management Coordinator, or a designated Public Information Officer provides information to or conducts interviews with the media for the purposes of releasing emergency information to the public.

Requests from Legislators and Other Governmental Offices

The PIO shall notify the County Judge when Chambers County receives requests for public information from members of the Legislature or other governmental offices.

Form and Approval of Responses

Except for routine responses, requested information should be reviewed and approved by the PIO.

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

Resolution of Questions

Questions regarding the procedure for answering requests for public information should be directed to the PIO.

Recovery Costs and Guidelines

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

The PIO 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 2c below), alter, or withdraw the request. If charges are in excess of \$40, the PIO should follow the procedures outlined in **Itemized Estimate of Charges**. If personnel time will exceed 36 hours, the PIO should follow the procedures outlined in **Requests Requiring More Than 36 Hours of Personnel Time**.

1. Definitions: See Definitions section of policy
2. Chambers County 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:
 - o Inspection of Information

Where only inspection of paper documents is requested (i.e., no copies made), no charge may be assessed except when:

- 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.
- the request puts the requestor over the 36 hour limit for department personnel time for the current fiscal year.
- the public information specifically requested for inspection by the requestor:
 - is older than five years; or completely fills, or when assembled will completely fill, six or more archival boxes; and
 - The PIO estimates that more than five hours will be required to make the public information available for inspection.

The PIO 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.

- Waiver of Reduction

Costs shall be waived or reduced if it is determined that waiver or reduction is in the public interest.

- 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 PIO has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy.

The PIO may require a deposit or bond for payment of unpaid amounts owing to the department 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 business days necessitating at review of the public information requested, even though the requestor's copy may not be prepared. The PIO 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 the PIO on the date the PIO receives the deposit or bond for payment of anticipated costs or unpaid amounts if the PIO requires a deposit or bond in accordance with this section.

A person requesting information who fails to make a deposit or post a bond before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

- Charge Schedule

A summary of the charges for copies of public information that have been adopted by the Attorney General is available as Attachment 1.

The PIO shall maintain a record of charges for public information requests (refer to Attachment 2 for the PUBLIC INFORMATION CHARGES INVOICE form).

- Example of Charges for Copies of Public Information

A few examples of the calculation of charges for information are presented in Attachment 3.

3. The entire amount of fees collected pursuant to policies outlined herein should be deposited back to the appropriate fund which incurred costs involved.
4. The PIO shall maintain a register which records receipt and processing of requests for public information. Refer to Attachment 4, Register of Requests for Public Information Received, for a sample register.

9. FORMS AND TOOLS/ONLINE PROCESSES

[Attachment 1 Summary of Charges for Copies](#)

[Attachment 2 Public Information Charges Billing Form](#)

[Attachment 3 Examples of Charges for Copies of Public Information](#)

[Attachment 4 Sample Register of Requests for Public Information Received](#)

Texas Public Information Act

ATTACHMENT 1

SUMMARY OF CHARGES FOR COPIES

SERVICES RENDERED

CHARGES

Standard-size Paper Copies

@ \$.10/page

Nonstandard-size Copies

- Diskette @ \$1.00/each
- Magnetic Tape actual cost
- Data Cartridge actual cost
- Tape Cartridge actual cost
- Rewriteable CD(CD-RW) @ \$1.00
- Nonrewriteable CD (CD-R) @ \$1.00
- Digital Video Disk (DVD) @ \$3.00
- Jaz Drive actual cost
- Other electronic media actual cost
- VHS Video Cassette @ \$2.50/each
- Audio Cassette @ \$1.00/each
- Oversized Paper copy @ \$.50/each
- Specialty Paper actual cost
(mylar, blueprint, blueline, map, photographic)
- Other actual cost

Personnel Charges:

- Programming personnel (**See note 1**) @ \$28.50/hour
- Other personnel (**See note 2 & 3**) @ \$15.00/hour

Overhead Charges: (**See note 4**)

(20% of Total Personnel Charges) x \$.20

Microfiche or microfilm charges

- Paper copy @ \$.10/page
- Fiche or film copy actual cost

Remote document retrieval charge: (**See note 5**)

actual cost

Computer Resource Charges: (**See note 6**)

- Mainframe	@ \$10.00/min
- Midsized	@ \$1.50/min.
- Client/Server	@ \$2.20/hour
- PC or LAN	@ \$1.00/hour
Miscellaneous supplies:	actual cost
Postage/Shipping Charges: (See note 7)	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

Charge Schedule Notes

Note 1 - 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

Note 2 - The personnel charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information. A personnel charge should not be made for requests that are 50 or fewer pages of paper records unless:

- the documents 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, or
- the requestor has exceeded 36 hours of personnel time in the current fiscal year.

Note 3 - 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 or to research a request for a ruling.

Note 4 - Whenever any personnel charge is applicable to a request, the institution may include in the charges direct and indirect cost. An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless

- the documents 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, or an elevated or underground passageway, or a similar facility.
- the requestor has exceeded 36 hours of personnel time in the current fiscal year.

The overhead charge shall be computed at 20% of the charge made to cover any labor cost associated with a particular request.

Note 5 - Where a charge is made for remote document retrieval, no additional personnel charge should be factored in for time spent locating documents.

Note 6 - 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 printout time.

Note 7 - 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.

Texas Public Information Act

ATTACHMENT 2

Public Information Charges Invoice

Date:

Name:

Agency/Company:

Address:

City:

State:

Zip:

Method of Payment:

Cash: _____

Check: _____

Money Order: _____

Description of Information :

Personnel Hours:

Total Personnel Hours:

(on this request)

(current fiscal year)

	<u>Number</u>		<u>Total</u>
Standard-size Paper Copies	_____	@ \$.10/page	\$ _____

Nonstandard-size

- Diskette	_____	@ \$1.00/each	\$ _____
- Magnetic Tape	_____	actual cost	\$ _____
- Data Cartridge	_____	actual cost	\$ _____
- Tape Cartridge	_____	actual cost	\$ _____
- VHS Video Cassette	_____	@ \$2.50/each	\$ _____
- Audio Cassette	_____	@ \$1.00/each	\$ _____
- Rewriteable CD (CD-RW)	_____	@ \$1.00/each	\$ _____
- Non - Rewriteable CD (CD-R)	_____	@ \$1.00/each	\$ _____
- Digital Video Disc (DVD)	_____	@ \$3.00/each	\$ _____
- JAZ Drive	_____	actual cost	\$ _____
- Other Electronic Media	_____	actual cost	\$ _____
- Oversized Paper Copy	_____	@ \$.50/each	\$ _____
- Specialty Paper	_____	actual cost	\$ _____

(blueline, blueprint, mylar, map, photographic)

- Other	_____	actual cost	\$ _____
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Personnel Charges:

- Programming	_____	@\$28.50/hour	\$ _____
-Other Personnel	_____	@\$15.00/hour	\$ _____

Overhead Charges:

(20% of Total Personnel Charges)	_____	x \$.20	\$ _____
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Microfiche or microfilm charges:

- Paper copy	_____	@ \$.10/page	\$ _____
- Fiche or film copy	_____	actual cost	\$ _____

Remote document retrieval _____ actual cost \$ _____

Computer Resource Charges:

- Mainframe _____ @ \$10.00/min \$ _____
- Midsize _____ @ \$1.50/min. \$ _____
- Client/Server _____ @ \$2.20/hour \$ _____
- PC or LAN _____ @ \$1.00/hour \$ _____

Miscellaneous supplies _____ actual cost \$ _____

Postage/Shipping Charges _____ actual cost \$ _____

Photographs _____ actual cost \$ _____

Other costs _____ actual cost \$ _____

Outsourced/Contracted Services _____ actual cost \$ _____

Other Pmts. Applied: (Subtract
Deposit Paid) _____ actualy paid \$ _____

Total Due: \$ _____

**sales tax is not applicable on public information*

**Please make check payable to:
Chambers County**

Return to:

Texas Public Information Act

ATTACHMENT 3

Examples of Calculation of Charges

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)

\$ 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)

\$ TOTAL CHARGE

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)

\$ TOTAL CHARGE

Texas Public Information Act

ATTACHMENT 4

Register of Requests for Public Information

Date of Request:

Date Received:

From:

To:

SUBJECT:

Action Taken:

RESPONSE:

Personnel Hours on this Request:

Total Personnel Hours Spent by Requestor (during the current fiscal year):

Date of Request:

Date Received:

From:

To:

SUBJECT:

Action Taken:

RESPONSE:

Personnel Hours on this Request:

Total Personnel Hours Spent by Requestor (during the current fiscal year):

Date of Request:

Date Received:

From:

To:

SUBJECT:

Action Taken:

RESPONSE:

Personnel Hours on this Request:

Total Personnel Hours Spent by Requestor (during the current fiscal year):