TEXAS PUBLIC INFORMATION ACT

I. Purpose

The purpose of this policy is to comply with the Texas Public Information Act ("the Act"), Texas Government Code, Chapter 552 and The University of Texas System’s policies and Regents’ Rules. The policy also strives to promote uniformity throughout The University of Texas at Brownsville ("UTB") for providing public records.

II. Scope

This policy applies to all UTB faculty and staff.

III. Definitions

A. Chief Administrative Officer
   The term “Chief Administrative Officer” refers to the President of UTB.

B. Public Information Request
   A “Public Information Request” is a request for public information contained in the files or records of a Texas governmental agency.

C. Public Information
   “Public information” is 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.

D. Public Information Officer
   The term “Public Information Officer” refers to the Vice President for Business Affairs at UTB.

IV. Overview

It is the policy of The University of Texas at Brownsville 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, Government Code, Chapter 552.

Because the Act requires adherence to strict deadlines for responses to requests for public information, written requests (received by mail or hand-delivery) for public information submitted to any UTB employee must be forwarded to UTB’s Public Information Officer or his/her designee within twenty-four (24) hours of receipt. Requests for public
information submitted via facsimile or email to any UTB employee other than the Public Information Officer are not considered properly served and thus do not activate the deadlines imposed by the Act. In these instances, the requestor should be promptly directed to properly serve the request to UTB’s Public Information Officer by one of the following methods:

1) UTB Open Records Request  
c/o Mrs. Rosemary R. Martinez  
Vice President for Business Affairs, CPA  
The University of Texas at Brownsville  
80 Fort Brown  
Brownsville, TX 78520  
2) Online: www.utb.edu/ba/openrecords/  
3) Facsimile: 956-882-3868

Violation of this policy may result in disciplinary action up to and including termination for employees; a termination of employment relationship in the case of contractors or consultants; or suspension or expulsion in the case of a student employee. Additionally, individuals may be subject to loss of access privileges and civil and/or criminal prosecution for violation of the Act.

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Act and is not subject to the procedure outlined in this policy. A request for documents pursuant to an institutional hearing will recognized as a valid request for information under the Act if the request is received by UTB through one of the methods outlined above.

V. Designation of Chief Administrative Officer

The Texas Public Information Act designates the chief administrative officer of a governmental body as the officer for public information. The president of each UT System institution may delegate his or her authority under the Public Information Act to an employee who will serve as the institution’s public information officer. The Chief Administrative Officer at UTB has designated UTB’s Vice President of Business Affairs to be the University’s Public Information Officer, and thus the designated agent for coordinating responses to all requests for public information at UTB.

VI. General Duties of Public Information Officer

The Public Information Officer shall review all public information requests and coordinate responses to requests for all valid public information requests submitted to
UTB. After reviewing the request, the Public Information Officer will determine which UTB department(s) maintains responsive information. Upon being contacted by the Public Information Officer, the responsible department(s) must gather all responsive documents (or a representative sample if the responsive documents are voluminous) and deliver the documents unaltered to UTB’s Public Information Officer within three business days.

The Public Information Officer then determines whether the information provided by responsible department(s): (1) is responsive to the request and (2) falls within one of the excepted categories under the Act. All information collected, assembled or maintained by UTB is public information subject to disclosure under the provision of the Act, unless the information falls within one or more of the Act’s specified exceptions.

Time is of the essence in responding to public information requests. If UTB wishes to withhold information pursuant to an exception within the Act, the Attorney General must be appropriately notified within ten (10) business days from the date the request was received by UTB. Thus, information must be timely received and reviewed by the Public Information Officer to determine whether any exceptions under the Act apply. If the timelines specified in the Act are not strictly followed, UTB will likely waive any exceptions it might have otherwise been able to claim and will likely be compelled to produce those excepted documents.

In cases where UTB is seeking to withhold requested information based upon an exception under the Act, the Public Information Officer must assist UT System’s Office of General Counsel in preparing timely requests and briefing for the Attorney General.

In addition to the aforementioned responsibilities, at the direction of the Chief Administrative Officer, the Public Information Officer shall notify UT System’s Vice Chancellor for Governmental Relations when UTB receives requests for public information from members of the Legislature or other governmental offices. Further, at the direction of the Chief Administrative Officer, the Public Information Officer is strongly encouraged to coordinate responses to news media requests with other component public information officer(s) who have received the same or similar requests and, as appropriate, with the Vice Chancellor for External Relations at U.T. System. The Vice Chancellor for External Relations at U.T. System will inform the Chief Administrative Officer about media requests affecting UTB.

The Public Information Officer 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 government body, and the procedures for inspecting or obtaining a copy of public information. The officer shall display the sign at one or more places in administrative offices of the institution 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.

VII. Receiving and Referring Requests

All requests for public information must be received in writing; UTB does not respond to oral requests. As noted above, a written request received in the mail or hand-delivered to any UTB employee is a valid request and triggers UTB’s obligations under the Act. However, as also noted above, email and facsimile requests are not valid unless sent directly by the requestor to the Public Information Officer, or his or her designee.

Any official or other employee receiving a written request for information must forward the request immediately to the Public Information Officer for review and processing.

VIII. Recovery Costs

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 and its institutions to recover the full costs for retrieving and copying public records. Under strict requirements established by the Attorney General, UTB may collect fees associated with the collecting, copying, preparing, and transmitting public information to requestors, if certain conditions apply. The rules related to charging for public information can be found at Title I, Part 3, Chapter 70 of the Texas Administrative Code. A summary of common charges for public information can also be found on UTB Open Records website at: www.utb.edu/ba/Processes/Pages/OpenRecords.aspx.

IX. Related Statutes, Policies, or Online Processes

A. The University of Texas System (UT System) policy - UTS139 Texas Public Information Act

B. The Texas Public Information Act - Texas Government Code, Chapter 552

C. Texas Attorney General's Office - Public Information Handbook

D. The Texas Public Information Poster - UTB

E. UTB Open Records – Procedure for Submitting Requests

F. Summary of Charges for Public Information

X. Review

This policy shall be reviewed by the Vice President for Business as deemed necessary.