

§ 111.71 Informing the Public of Basic Rights and Responsibilities Under the Public Information Act

- (1) **The Public Information Act.** Texas Government Code, Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall promptly release requested information that is not confidential law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has not been sought.

- (2) **Rights of Requestors. You have the right to:**
 - (A) Prompt access to information that is not confidential or otherwise protected;
 - (B) Receive treatment equal to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
 - (C) Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
 - (D) Receive a written itemized statement of estimated charges, when charges will exceed \$40, in advance of work being started and opportunity to modify the request in response to the itemized statement;
 - (E) Choose whether to inspect the requested information (most often at no charge), receive copies of the information, or both;
 - (F) A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public;
 - (G) Receive a copy of the communication from the governmental body asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy;
 - (H) Lodge a written complaint about overcharges for public information with the Texas Building and Procurement Commission. Complaints of other possible violations may be filed with the county or district attorney of the county where the governmental body, other than a state agency, is located. If the complaint is against the county or district attorney, the complaint must be filed with the Office of the Attorney General.

- (3) **Responsibilities of Governmental Bodies. All governmental bodies responding to information request have the responsibility to:**
 - (A) Establish reasonable procedures for inspecting or copying public information and inform requestors of these procedures;
 - (B) Treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements;

- (C) Be informed about open records laws and educate employees on the requirements of those laws;
 - (D) Inform requestors of estimated charges greater than \$40 and any changes in the estimates above 20% of the original estimate, and confirm that the requestor accepts the charges, has amended the request, or has sent a complaint of overcharges to the Texas Building and Procurement Commission, in writing before finalizing the request;
 - (E) Inform requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
 - (F) Request a ruling from the Office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
 - (G) Segregate public information from information that may be withheld and provide that public information promptly;
 - (H) Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;
 - (I) Respond in writing to all written communications from the Texas Building and Procurement Commission regarding charges for the information. Respond to the Office of Attorney General regarding complaints about violations of the Act.
- (4) **Procedures to Obtain Information**
- (A) Submit a request by mail, fax, email or in person, according to a governmental body's reasonable procedure.
 - (B) Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
 - (C) Cooperate with the governmental body's reasonable efforts To clarify the type or amount of information requested.
- (5) **Information to be released**
- (A) You may review it promptly, and if it cannot be produced within 10 working days the public information office will notify you in writing of the reasonable date and time when it will be available;
 - (B) Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested;
 - (C) Cost of Records.
 - (i) You must respond to any written estimate of charges within 10 business days of the date the governmental body sent it or the request is considered to automatically withdrawn;

- (ii) If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit;
- (iii) You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges;
- (iv) Make timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

(6) **Information that may be withheld due to an exception.**

- (A) By the 10th business day after a governmental body receives your written request, a governmental body must:
 - (i) Request an Attorney General Opinion and state which exceptions apply;
 - (ii) Notify the requestor of the referral to the Attorney General; And
 - (iii) Notify third parties if the request involves their proprietary information;
- (B) Failure to request an Attorney General opinion and to notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- (C) Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body. If the arguments disclose the requested information, the requestor may obtain a redacted copy.
- (D) The Attorney General must render a decision no later than the 45th working day after the attorney general received the request for a decision. The attorney general may request an additional 10 working days extension.
- (E) Governmental bodies may not ask the Attorney General to “reconsider” and opinion.

(7) **Additional Information on Sign.**

- (A) The sign must contain contact information of the governmental body’s officer for public information, or the officer’s agent, as well as the mailing address, phone and fax numbers, and email address, if any, where requestors may send a request for information to the officer or the officer’s agent. The sign must also contain the physical address at which requestor’s may request information in person.

Officer for public information: Karen Wilkerson, City Secretary
Mailing address: P O Box 318
Physical address: 125 S Texas
City, State and Zip: De Leon, Texas 76444
Phone number: 254-893-2065
Fax number: 254-893-3254
Email address: deleon1@cctc.net
 (on emails, please put KWilkerson as subject)

- (B) The sign must contain information of the local county attorney or district attorney where requestors may submit a complaint of alleged violations of the Act, as well as the contact information for the Office of the Attorney General and the Texas Building and Procurement Commission.

County Attorney Information: Charles Williams
Comanche County Courthouse
Comanche, Texas 76442
325-356-2313

Office of the Attorney General: 209 West 14th St., P O Box 12548
Austin, Texas 78711-2548
512-463-2191

Toll Free #: 800-252-8011

Fax #: 512-463-2063

Web: www.oag.state.tx.us

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Texas Building and Procurement Commission:

Central Services Bldg.
1711 San Jacinto, P O Box 13047
Austin, Texas 78711-3047
512-463-6363

Web: www.tbpc.state.tx.us

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- (C) The sign must also contain contact information of the person or persons with whom a requestor may make special arrangements for accommodation pursuant to the American Disabilities Act.

You may any arrangements with:

Karen Wilkerson, City Secretary
City of De Leon
P O Box 318
125 S Texas
De Leon, Texas 76444

Phone#: 254-893-2065

Fax#: 254-893-3254

Email: deleon1@cctc.net

- (e) A governmental body may comply with Texas Government Code, § 552.205 and this rule by posting the sign provided by the Texas Building and Procurement Commission.