



**DENISON DEVELOPMENT ALLIANCE**  
**PUBLIC INFORMATION POLICY & PROCEDURES**

*October 2007*

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 by law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has not been sought.

## **RIGHTS OF REQUESTORS**

You have the right to:

- Prompt access to information that is not confidential or otherwise protected;
- Receive treatment equal to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
- Receive a written 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;
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both;
- A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public;
- 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;
- 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.

## **RESPONSIBILITIES OF GOVERNMENTAL BODIES**

All governmental bodies responding to information requests have the responsibility to:

- Establish reasonable procedures for inspecting or copying public information and inform requestors of these procedures;
- Treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements;

- Be informed about open records laws and educate employees on the requirements of those laws;
- Inform requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and confirm that the requestor accepts the charges, or has amended the request, in writing before finalizing the request;
- Inform the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- 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;
- Segregate public information from information that may be withheld and provide that public information promptly;
- Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;
- Respond in writing to all written communications from the Texas Building and Procurement Commission regarding charges for the information. Respond to the Office of the Attorney General regarding complaints about violations of the Act.

## PROCEDURES TO OBTAIN INFORMATION

1. Submit a request by mail, fax, email or in person according to a governmental body's reasonable procedures.
2. Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
3. Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

### A. Information to be released

- You may review it promptly, and if it cannot be produced within 10 working days the public information officer will notify you in writing of the reasonable date and time when it will be available.
- 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.

#### Cost of Records:

- You must respond to any written estimate of charges within 10 days of the date the governmental body sent it or the request is considered automatically withdrawn.
- 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.

- 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.
- Make a 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.

#### **B. Information that may be withheld due to an exception**

- By the 10th business day after a governmental body receives your written request, a governmental body must:
  1. Request an Attorney General opinion and state which exceptions apply;
  2. Notify the requestor of the referral to the Attorney General; and
  3. Notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General opinion and 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.
- 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.
- The Attorney General must issue a decision no later than the 45th working day from the day after the attorney general received the request for a decision. The attorney general may request an additional 10 working day extension.
- Governmental bodies may not ask the Attorney General to "reconsider" an opinion.
- To request information from this governmental body, please contact:

## **FEES FOR PROVIDING COPIES OF INFORMATION**

As provided by Section 552.262 of the Texas Government Code, the Denison Development Alliance (DDA) follows the rules of the Office of the Attorney General for determining the charge, deposit or bond required for providing information. DDA's current Charge Policy is as follows:

- Paper copies are \$.10/per printed page;
- \$15/hour personnel time to compile and copy;
- \$28.50/hour computer programming personnel time;
- Overhead charge of 20% of personnel time;
- Postage charges via first class mail;

Pursuant to Section 552.267(b) of the Texas Government Code, DDA waives charges that are less than \$10.00. If estimated charges are between \$10.00 and \$40.00, the information is sent to the requestor along with an invoice requesting payment. If estimated charges are in excess of \$40.00, an estimated invoice is sent and no copies are made until the requestor accepts and pays the charges. The request is automatically withdrawn if the requestor does

not respond in writing to the estimated invoice within 10 business days. The requestor may ask to inspect documents, rather than receiving copies. Inspection of documents is encouraged to limit requestor costs by allowing selection of only those documents in which the requestor may truly be interested, and additionally helps to conserve State's resources by minimizing the number of copies made and the time spent compiling and making those copies.

DDA may waive any charges, at the discretion of DDA's President or his/her designee, if DDA determines that a waiver or reduction of the charge is in the public interest. In addition to the waiver of all charges less than \$10.00, other governmental bodies are generally not charged for information, unless the request requires programming, manipulation of data, or is particularly voluminous. Additionally, under Texas Government Code, Section 552.264, information requested by a member, agency, or committee to use for legislative purposes is provided free of charge. Further, DDA makes available to the public at no charge a large quantity of information on our website.

If you have any questions regarding this report or require additional information, please contact DDA's President, Tony Kaai, CECD, at (903) 464-0883 or via e-mail at [tkaai@denisontx.org](mailto:tkaai@denisontx.org).