

Policy Number and Chapter:	04.002 Administration
Policy Title:	Request for Information Made Under the Texas Public Information Act

Policy Statement. The State of Texas, it exists in order to serve the people of Texas. Accordingly, it is the policy of the University to grant the public access to information regarding its records, affairs and transactions in accordance with the Texas Public Information Act as set forth in Chapter 552 of the Government Code. This Policy sets forth the appropriate procedure for responding to requests for information made under the Texas Public Information Act.

Application of Policy.  
Total University

Definitions.

1. Public Information. "Public Information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by the University of North Texas; or (2) on behalf of the University of North Texas and the University owns the information or has a right of access to it. The general forms in which public information may exist include, but are not limited to, book, paper, letter, document, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map and drawing, or a voice data or video representation which is held in computer memory.

Procedures and Responsibilities.

1. Custodian of Records.

The Vice Chancellor and General Counsel is designated Custodian of Records for the University. As such, the Office of the Vice Chancellor and General Counsel (OVCGC) is responsible for overseeing compliance with the Act. Any questions regarding the Act, this Policy, or a specific request for information should be directed to the OVCGC.

2. General Definition of Public Information.

"Public Information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by the University of North Texas; or (2) on behalf of the University of North Texas and the University owns the information or has a right of access to it. The general forms in which

public information may exist include, but are not limited to, book, paper, letter, document, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map and drawing, or a voice data or video representation which is held in computer memory.

### 3. Examples of Public Information.

Many different types of information are required to be released under the Act. The following is a non-exhaustive list of information common to the University that usually must be released under the Act:

- a. most information contained in the personnel file of University employees;
- b. student directory information as defined by UNT Family Educational Rights and Privacy policy (Policy No. 18.1.9);
- c. almost all email addresses provided by the University and letters and memoranda, including drafts that are retained;
- d. almost all completed reports, audits, evaluations, and investigative reports;
- e. notes that are not required to be maintained, but which to be maintained

- a. non-directory information contained in student records, except as otherwise allowed or required to be released under the Family Educational Rights and Privacy Act or other statute;
- b. trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;
- c. information contained in a book or publication that is commercially available to the public or made available to the public as a resource material, such as a library book;
- d. a rare book, original manuscript and certain documents held for historical research that was not created in the conduct or official business of the University;
- e. an audit working paper or draft audit; and
- f. a test item developed by the University, a licensing agency, or another governmental body.

## 5. Research Not Required.

The Act only requires that documents in paper or electronic be provided to a requestor. University employees are not required to perform substantive research; prepare answers to questions; or complete research surveys. (An alternate procedure is used to respond to survey requests. University Employees who receive a survey request should contact University Planning for further information).

## 6. Procedures for Responding to Request for Information.

The following procedures apply to all requests for information regardless of whether the request states it is made pursuant to the Public Information Act.

### 6.1 Request Must Be In Writing

Requests for information must be in writing before the University is required to respond under the Act. If an oral request for information is received, the requestor must be informed of the need to submit the request in written form. The written request may be provided to any employee of the University or directly to the OVCGC.

### 6.2 Forward Request to Legal Office

It is imperative that University employees record the date requests for information are received and immediately forward them to the OVCGC, unless

the General Counsel has approved alternate procedures, in writing, authorizing the department to respond to public information requests. Any University employee who receives a request and any department authorized to respond to requests shall not make any decision concerning whether requested information is confidential or withhold information without first consulting the OVCGC.

6.3 Right to Seek Clarification

If it is unclear what information is being requested, the University may ask the requestor to clarify his or her request. If a large amount of information has been requested, the requestor may be informed how to narrow the scope of the request. However, in accordance with the Act, University employees should not ask why the information is being requested or about its intended usage.

6.4 Deadline for Taking Action on Request

Action must be taken on a request for information within ten business days of initial receipt of the request by any University employee or department. The OVCGC will determine the appropriate action to take, in conjunction with the office holding the requested information. The OVCGC will review the request and determine whether the requested information must be released under the Act.

6.5 Requirement for Decision From Attorney General

6.7 Notifying Requestor of Estimated Charges

A party requesting copies of public information may not be aware of the time and cost involved in complying with the request. When the cost associated with responding to a request exceeds forty dollars (\$40.00) the University must notify the requestor, in writing, of the estimated costs (itemized) and an anticipated completion date. The notice also must inform the requestor that failure to inform the University whether he or she wishes to proceed with or narrow the request within ten business days will result in the request being deemed withdrawn. If charges are estimated to be in excess of one hundred dollars (\$100.00), the requestor will be required to pay the charges before the University begins gathering the requested information. In such event, the University will provide the requestor an itemized invoice of charges using the "University of North Texas Public Information Request Charges" form. The requestor will be reimbursed for any overpayment.

6.8 Notifying Requestor of Revised Estimate of Charges

A written, updated estimate of charges must be sent to the requestor if, before copies have been made or paper records made available, the University determines that it underestimated the charges itemized in the original notice. The revised estimate must inform the requestor that the request will be deemed withdrawn if he or she does not respond to the new estimate within ten days from the date it is sent.

6.9 Requirement To Provide Invoice

The requestor shall be sent a completed invoice using the "University of North Texas Public Informat



maintaining accurate records of requests and responses, forwarding payments received for providing information through the proper financial channels as directed in the Charges Section of this Policy, and providing the OVCG statistical information on requests for State-mandated reporting purposes. A copy of all written statements provided to requestors shall be provided to the OVCGC, on request.

6.16 No Obligation After Release of Information

After information has been released under the Act, the University is not required to provide the Requestor with subsequent updates, corrections, or notice of a change in status of the person to whom the information pertains.

6.17 Obligation for Requestor to Respond to Notice

After providing any written notices or statements to the requestor required under this policy, the University is not obligated to provide the information in the requested form or in the form in which it is available until the requestor states in writing that:

- a. He or she wants the information provided in the requested form

(ii) The anticipated personnel costs for making the information available for inspection is (1) older than five years; or (2) completely fills or when



(1) Overhead charges. Direct and indirect costs that may be assessed whenever any personnel charge is applicable to a request, in addition to the specific personnel charge. This charge, assessed at a rate of twenty percent (20%) of the personnel cost associated with a particular request, covers such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead.

(2) Miscellaneous supplies. The actual cost of supply items, included but not limited to, labels, boxes, and other supplies used to produce the requested information, may be added to the total charges for public information.

d. Charges for Personnel Time Spent Deleting/Redacting Information:

The University may charge for personnel time spent deleting/redacting confidential information from public information when the requestor specifically requests copies of information and the University is required by law to withhold the confidential information. No charges may be assessed for personnel time spent redacting information the attorney general has determined may be ~~Á ] š Z Z o % μ CE • μ v š š } š Z š [ • % Add (Eion) Hy, ] An~~ ~~Æ % š~~ The University may charge for the photocopying costs of creating an edited version of the documents from which confidential information was redacted.

e. Charges Exceeding Estimate:

Actual cost charged to the requestor may not exceed twenty percent of the original estimated charges if the University did not send a revised estimate. Actual charges may not exceed those detailed in the updated estimate if a revised estimate was sent.

f. Waiver and Reduction of Charges:

The OVCGC may waive or reduce charges when it determines that furnishing the information primarily benefits the general public.

g. Requirement to Record Time and Notify Requestor:

University employees involved in providing information pursuant to a request under the Act should maintain a detailed record of the time and resources spent responding to the request. If the charge for providing a copy of public information includes costs of labor, the requestor may require the University to provide him or her with a written statement as to the amount of time that was required to produce and provide the information. A charge may not be imposed for providing the written statement to the requestor.220

h. Charges For Publications Printed For Public Dissemination:

The charges outlined herein do not apply to any publication that is compiled and printed by or for the University for the purpose of public dissemination. In such case, the University may determine the appropriate charge, if any, for providing the publication.

8. Potential Liability for Failure to Comply With the Act and This Policy.

Failure to comply with the Act and with this Policy could expose the University and individual employees to sanctions, including civil and criminal liability. Employees also face disciplinary action by the University. Actions that may be considered a violation of the Act or this policy include, but are not limited to, the destruction, removal, or alteration of public information; the failure or refusal to provide access to or copies of public information; and the intentional disclosure of information considered confidential under the Act.

Responsible Party: Office of the President

References and Cross-references.

None

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