

## Trinity Valley Community College

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Trinity Valley Community College  
107501

PUBLIC INFORMATION PROGRAM:  
PUBLIC'S RIGHT TO KNOW

**GAA**  
(LEGAL)

### 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 by the Board or for the Board and to which the Board has a right of access. *Gov't Code 552.002(a)*

### AVAILABILITY

Public information is available, at a minimum, to the public during the College District's normal business hours. *Gov't Code 552.021*

Unless they are expressly confidential under other law, categories of public information that are not excepted from required disclosure under this policy include:

1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the College District.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of the Board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate.
6. A description of the College District's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which the College District's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the Board.
10. Any amendment, revision, or repeal of the information described in items 6-9.

11. Final opinions and orders issued in adjudication of cases.
12. A policy statement or interpretation adopted or issued by the Board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under the College District's policies.
15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege or confidential under other law.
16. Information that is also contained in a public court record.
17. A settlement agreement to which the Board is a party.

A court in this state may not order the Board or the College District's officer for public information to withhold from public inspection any category of public information described above or to not produce the information for inspection or duplication, unless the information is expressly made confidential under other law.

*Gov't Code 552.022*

## PERSONAL INFORMATION

### EMPLOYEE / BOARD MEMBER

Each College District employee, other than peace officers, and Board member and each former employee and Board member shall choose whether to allow public access to College District-held information relating to the person's home address, telephone number, or social security number, or any other information that reveals whether the person has family members. Employees and Board members shall state their choice to the College District's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the Board occurs, or service with the College District ends. If an employee or Board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or Board member may make a written request at any time to the personnel officer to open or close the information relating to the person's home address, telephone number, social security number, or any other information that reveals whether the person has family members. *Gov't Code 552.024*

### PEACE OFFICERS / SECURITY OFFICERS

College District-held information relating to the home address, home telephone number, or social security number of peace officers or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the person has family members, is confidential and may not be disclosed if the person chooses to restrict public access to the information and notifies the College District on a form provided by the College District, accompanied by evidence of the individual's status. *Gov't Code 551.1175*

### CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the College District is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

*Gov't Code 552.136*

## E-MAIL ADDRESSES

### CONFIDENTIAL

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the College District is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release. *Gov't Code 552.137*

### EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to the College District by a person who has a contractual relationship with the College District or by the contractor's agent;
2. Provided to the College District by a vendor who seeks to contract with the College District or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the College District in the course of negotiating the terms of a contract or potential contract; or
4. Provided to the College District on a letterhead, coversheet, printed document, or other document made available to the public.

The College District may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

*Gov't Code 552.137*

### INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE

The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*
2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*
3. Information relating to litigation of a civil or criminal nature to which the College District is, or may be, a party or to which an officer or employee of the College District, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the College District's public information officer receives the request. *Gov't Code 552.103*
4. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*
5. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*
6. Drafts and working papers involved in the preparation of proposed policies. *Gov't Code 552.106*
7. Information the College District's attorney is prohibited from disclosing because of a duty to the College District under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*
8. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
  - a. Information that deals with detection, investigation, or prosecution of crime; and
  - b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

*Gov't Code 552.108*

9. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*
10. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*
11. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*
12. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the College District. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*
13. Student records, except to College District personnel, the student, or the student's parents, guardian, or spouse. The College District is not required to release student records, except in conformity with FERPA. *Gov't Code 552.114,*

552.026 [See also FJ]

14. Information that relates to the home address, home telephone number, or social security number of the following persons, or that reveals whether the person has family members:
  - a. A current or former College District employee or Board member, except as provided by Section 552.024; or
  - b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

*Gov't Code 552.117*

15. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
  - a. The officer is under indictment or charged with an offense by information;
  - b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
  - c. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

*Gov't Code 552.119*

16. Test items developed by a state-funded educational institution. *Gov't Code 552.122*
17. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. *Gov't Code 551.104(c)*
18. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:
  - a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
  - b. To a person with a special right of access under Government Code 522.023; or
  - c. To a law enforcement agency or prosecutor under a court order or subpoena.

*Gov't Code 552.124*

19. The names of applicants for the position of College President, except that the Board must give public notice of the name or names of the finalists being considered for the position at least 21 days prior to the meeting at which final action or a vote is to be taken on the employment of the individual. *Gov't Code 552.123*
20. Motor vehicle record information that relates to:
  - a. A motor vehicle operator's or driver's license or permit issued by an agency of this state;
  - b. A motor vehicle title or registration issued by an agency of this state; or
  - c. A personal identification document issued by an agency of this state or a local agency authorized to issue an

identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

*Gov't Code 552.130*

21. An informer's name or information that would substantially reveal the identity of an informer, unless:
  - a. The informer or the informer's spouse consents to disclosure of the informer's name.
  - b. The informer planned, initiated, or participated in the possible violation.

"Informer" means a student or former student or an employee or former employee of a college district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the College District or the proper regulatory enforcement authority.

*Gov't Code 552.135*

22. Information in a commercial book or publication purchased or acquired by the College District for research purposes, if the book or publication is commercially available to the public. The College District is not required to make copies of commercially available information, but the College District shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the College District. *Gov't Code 552.027*
23. Information that relates to economic development negotiations involving the Board and a business prospect that the Board seeks to have locate, stay, or expand in or near the College District, if that information relates to:
  - a. A trade secret of the business prospect; or
  - b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.
24. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

- a. By the Board; or
- b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the College District or a reduction in revenue received by the College District from any source.

*Gov't Code 552.131*

25. Information that relates to computer network security or to the design, operation, or defense of a computer network. The following information is confidential:
  - a. A computer network vulnerability report; and
  - b. Any other assessment of the extent to which data processing operations, a computer, or a computer program, network, system, or software of the College District or of a contractor of the College District is vulnerable to unauthorized access or harm, including an assessment of the extent to which the College District's or contractor's electronically stored information is vulnerable to alteration, damage, or erasure.

*Gov't Code 552.136*

26. A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the College District on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the College District in accordance with Government Code Section 552.140. A college district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140*
27. The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education; however, other information relating to gifts, grants, and donations described above, including the amount or value of an individual gift, grant, or donation is not included in this exception. *Gov't Code 552.1235*
28. Information relating to persons required to register as sex offenders under Chapter 62, Code of Criminal Procedure, that is not considered public information under that Chapter. *Code of Criminal Procedure 62.09* [See FL and DH]

## OFFICER FOR PUBLIC RECORDS

The College President shall be the College District's officer for public information. Each department head shall be an agent of the officer for public information for the purposes of complying with the public information laws and the College District's policy on public records. The officer for public information shall:

1. Make public information available for public inspection and copying.
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.
3. Repair, renovate, or rebind public information when necessary to maintain it properly.

The officer for public information is responsible for the release of public information as required by Government Code Chapter 552. The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record.

*Gov't Code 552.201-552.204*

## SIGN

The officer for public information shall prominently display a sign in the form prescribed by the Texas Building and Procurement Commission (BPC) that contains basic information about the rights of a requestor, the responsibilities of the Board, and the procedures for inspecting or obtaining a copy of public information under Government Code Chapter 552. The officer shall display the sign at one or more places in the administrative offices of the College District where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Employees of the College District whose duties include receiving or responding to public information requests.

*Gov't Code 552.205*

## ACCESS TO PUBLIC INFORMATION

The College District may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of Government Code Chapter 552.

*Gov't Code 552.230*

The College President or designee shall promptly produce public information for inspection, duplication, or both, in College District offices on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

The College President or designee complies with such a request by providing the information for inspection or duplication in the College District's offices or by sending copies of the information by first class mail, if the requestor requests that the copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Chapter 552, Subchapter F.

## TIME FOR RESPONSE

If the requested information is unavailable because it is in storage or active use, the College President or designee 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 College President or designee cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the College President or designee 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. An original copy of public information shall not be removed from College District offices by a requestor.

*Gov't Code 552.221, 552.226; Tex. Atty. Gen. ORD-664 (2000)*

The officer for public information shall not make an inquiry of any requestor, except to establish proper identification or to ask the requestor to clarify the request. If a large amount of information has been requested, the officer may discuss with the requestor how the scope of the request might be narrowed, but the officer may not inquire into the purpose for which the information will be used. All reasonable comfort and facility shall be extended to the requestor. *Gov't Code 552.222, 552.224*

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a

member of the media. *Gov't Code 552.223*

## EXAMINATION

A requestor shall complete the examination of the information not later than the tenth day after the date the officer for public information makes it available. The officer shall extend the initial examination period by an additional ten days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall permit a second additional ten-day examination period if, within the first additional period, the requestor files with the officer a second written request for time. The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the Board. The period of interruption is not considered to be a part of the time during which the person may examine the information. *Gov't Code 552.225*

## PROVIDING SUITABLE COPY

The officer for public information shall provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

### SPECIFIC MEDIUM

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 officer for public information shall provide a copy in the requested medium if the College District has the technological ability to produce the information in the requested medium and is not required to purchase any software or hardware to accommodate the request, and providing the copy will not violate any copyright agreement between the College District and a third party.

If the officer is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the College District shall provide either a paper copy or a copy in another medium that is acceptable to the requestor. The officer is not required to copy information onto a diskette or other material provided by the requestor but may use College District supplies.

*Gov't Code 552.228*

## REQUESTS REQUIRING PROGRAMMING OR MANIPULATION

If the officer determines that responding to a request for information will require programming or manipulation of data and that compliance with the request is not feasible or will result in substantial interference with operations or the information could be made available in the requested form only at a cost that covers the programming and manipulation of data, it shall provide to the requestor a written statement that includes all of the following information:

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 rules established by the BPC.
5. A statement of the anticipated time required to provide the information in the requested form.

RESPONSE TIME  
WHEN  
PROGRAMMING OR  
MANIPULATION IS  
REQUIRED

The officer shall provide the written statement to the requestor within 20 days after the date the officer receives the request. The officer has an additional ten days to provide the statement if the officer gives written notice to the requestor within 20 days after receiving the request that additional time is needed.

FURTHER ACTION

After providing the written statement described above, the officer has no further obligation to provide the information in the requested form or in the form in which it is available, unless the requestor writes to the officer stating that the requestor wants the information in the requested form according to the time and cost parameters set out in the officer's statement or that the requestor wants the information in the form in which it is available.

PROCESSING OF  
REQUESTS

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. The Board shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

*Gov't Code 552.231*

REPETITIOUS OR  
REDUNDANT REQUESTS

If the officer determines that a requestor has made a request for information for which the College District has previously furnished or made copies available to the requestor on payment of applicable charges, the officer shall respond to the request for information for which copies have been already furnished or made available, except that:

1. The College District is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The College District is not required to comply with the procedures described below in relation to information that the College District simply furnishes or makes available to the requestor again in accordance with the request.

Information for which the College District has not previously furnished copies or made copies available to the requestor on payment of applicable charges, information that was redacted from information provided earlier, or that did not exist at the time of an earlier request, shall be treated in the same manner as any other request.

## PROCEDURES

The officer shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor on payment of applicable charges. 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 College District received the requestor's original request for that information.
3. The date that the College District 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 officer for public information or the officer's agent making the certification.

### *Gov't Code 552.232*

## ATTORNEY GENERAL DECISIONS

If the College District receives a written request, including a request that is sent by electronic mail or facsimile transmission, for information it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure, but for which there has been no previous determination that it falls within one of the exceptions, the College District, not later than the tenth business day after receiving the written request, shall ask for a decision from the attorney general about whether the information is within one of the exceptions and state the exception that applies. If a decision from the attorney general is not so requested or the College District fails to provide the requestor with the statement and a copy of the College District's communication to the attorney general, as described below, the information is presumed to be public information and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.301(a)(b), 552.302; Tex. Atty. Gen. ORD-673 (2000)*

The College District may not request an open records decision from the attorney general if the College District reasonably believes that the requested information is not excepted from required disclosure. The College District must promptly produce the requested information to the requestor. *Tex. Atty. Gen. ORD-665 (2000)*

The College District shall release the requested information and may not ask for an attorney general decision if the College District has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not within one of the exceptions. *Gov't Code 552.301(f); Tex. Atty. Gen. ORD-673 (2000)*

The College District must promptly release public information not excepted from required disclosure. The prompt release of information requires release as soon as possible under the circumstances and within a reasonable time, without delay. The College District may not automatically withhold for ten business days public information not excepted from disclosure. *Tex. Atty. Gen. ORD-664 (2000)*

STATEMENT TO  
REQUESTOR

If the College District requests an attorney general decision, it must provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the College District 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.
2. A copy of the College District's written communication to the attorney general asking for the decision. If the College District's written communication to the attorney general discloses the request, the College District shall provide a redacted copy of that information to the requestor.

*Gov't Code 552.301(d)*

SUBMISSION TO  
ATTORNEY GENERAL

When the College District requests a decision, it shall, within a reasonable time but not later than the 15th business day after the date of receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld.
2. A copy of the written request for information.
3. A signed statement as to the date on which the written request for information was received by the College District or evidence sufficient to establish that date.
4. A copy of the specific information requested, or representative samples of the information, if a voluminous amount of information was requested. These copies must be labeled to indicate which exceptions apply to which parts of the copy.

Unless the information is confidential by law, the officer may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the attorney general or a court with jurisdiction.

ADDITIONAL  
INFORMATION

If the attorney general determines that additional information is necessary to render a decision, the attorney general shall give the College District and the requestor written notice of that fact. Upon receipt of such notice, the officer shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If the officer does not comply with the attorney general's request for additional information, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.

*Gov't Code 552.301(d), (e), 552.303*

SPECIAL INTERESTS

In a case in which information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101, 552.104, and 552.114 (see pages 2-3 of this policy), the College District may decline to release the information for the purpose of requesting a decision from the attorney general. The College District may, but is not required to, submit its reasons why the information should be withheld or released.

## NOTICE TO OWNER OF PROPRIETARY INFORMATION

If release of a person's proprietary information may be subject to exception under Government Code 552.101, 552.110, 552.113, or 552.131, a college district that requests an attorney general decision shall make a good faith attempt to notify that person of its request for the attorney general decision. The notice must include a copy of any written request the College District received for the information and a statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

### *Gov't Code 552.305*

## COSTS AND CHARGES

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not connected with each other or a remote storage facility. If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer or the officer's agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or the officer's agent, and the officer or the officer's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor. The College District shall also charge for the cost of materials, labor, and overhead when the request is for any number of copies of information that is not readily available. Charges for providing a copy of public information are considered to accrue at the time the governmental body advises the requestor that the copy is available on payment of the applicable charges. *Gov't Code 552.261*

The College District shall use the BPC rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of producing the information or form making public information that exists in a paper record available. The College District may determine its own charges for producing public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection, but may not charge an amount that is greater than 25 percent more than the amount established by the BPC, unless it requests an exemption. *Gov't Code 552.261, 552.262; 1 TAC 111.61(b)*

## EXEMPTIONS

The College District may request that it be exempt from part or all of the rules adopted by the BPC for determining charges for providing copies of public information or the charge, deposit, or bond required for making public information that exists in a paper record available for inspection. The request must be made in writing to the BPC and must state the reason for the exemption. If the BPC determines that good cause exists, the commission shall grant the exemption by giving written notice of the determination within 90 days of the request. When it receives the notification, the College District may amend its charges for providing copies of public information or its charge, deposit, or bond required for making public information that exists in a paper record available for inspection according to the terms of the commission's determination. *Gov't Code 552.262(c)*

**STATEMENT OF  
ESTIMATED CHARGES**

If a request for a copy of public information or a request to inspect a paper record will result in the imposition of a charge that exceeds \$40, the College District 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 College District regarding the alternative method. The College District must inform the requestor of the duties imposed on the requestor by this section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after the College District provides the requestor the itemized statement but before it makes the copy or the paper record available, the College District determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the College District shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

**REQUESTOR'S  
RESPONSE**

A request for which the College District is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the College District within ten 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 BPC a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

**ACTUAL CHARGES**

If the actual charges that the College District imposes for a copy or inspection of public information exceed \$40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
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 original itemized statement.

## TIMING OF DEADLINES

An original or updated itemized statement is considered to have been sent by the College District, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the U.S. mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing the required statement of estimated charges do not affect the application of a time deadline imposed on the College District for requesting a decision by the attorney general under Government Code Chapter 552, Subchapter G.

### *Gov't Code 552.2615*

## DEPOSIT OR BOND

The officer for public information or his or her agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if the officer for public information or the officer's agent has provided the requestor with the required written itemized statement detailing the estimated charge for providing the copy and if the charge for providing the copy of the public information specifically requested by the requestor is estimated by the College District to exceed \$100, if the College District has more than 15 full-time employees; or \$50, if the College District has fewer than 16 full-time employees. The officer for public information or the officer's agent may not require a deposit or bond be paid as a down payment for copies of future information that the requestor may request in the future. *Gov't Code 552.263(a), (b); 1 TAC 111.67(d)*

The officer for public information or the officer's agent may require a deposit or bond for payment of unpaid amounts the requestor owes the College District in relation to previous public information requests before preparing a copy of public information in response to a new request if those unpaid amounts exceed \$100. The officer for public information or the officer's agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

The College District must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond under this section. The documentation is subject to required public disclosure. *Gov't Code 552.263(d)*

If the College District requires a deposit or bond from the requestor, a request for a copy of public information is considered to have been received by the College District on the date it receives the deposit or bond for payment of anticipated costs or unpaid amounts. *Gov't Code 552.263(e)*

## WAIVERS

If the cost to the College District of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the Board may waive the charge. If the College District determines that waiver or reduction of the charge is in the public interest because providing the copy of the information primarily benefits the general public, the College District may waive or reduce the charge for a copy of public information. *Gov't Code 552.267*

GOVERNMENT  
PUBLICATION

The cost provisions described above do not apply to a publication that is compiled and printed by or for the College District for public dissemination. If the cost of the publication is not determined by state law, the College District may determine the charge for providing the publication, or it may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code 552.270*

INSPECTION OF PUBLIC  
INFORMATION

If the requestor does not request a copy of public information, the College District may not impose a charge for making available for inspection any public information that exists in a paper record. If a page contains confidential information that must be edited from the record before the information can be made available for inspection, however, the College District may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code 552.271(a), (b)*

PAYMENT, OR  
DEPOSIT OR BOND

The officer for public information or the officer's agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records only if:

1. The public information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or the officer's agent estimates that more than five hours will be required to make the public information available for inspection.

*Gov't Code 552.271(c)*

CERTAIN SMALL  
COLLEGE  
DISTRICTS

If the College District has fewer than 16 full-time employees, the payment, or deposit or bond may be required only if:

1. The public information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or the officer's agent estimates that more than two hours will be required to make the public information available for inspection.

*Gov't Code 552.271(d)*

## ELECTRONIC RECORDS

If the College District receives a request to inspect information that exists in an electronic medium and the information is not available directly on-line to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, the Board shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by the College District, and the public has access to that information through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the College District's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, the Board may impose charges.

If the College District creates or keeps information in an electronic form, it is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

### *Gov't Code 552.272*

## DESTRUCTION OF RECORDS

A College District record may be intentionally destroyed under any of the following conditions:

1. The record is listed on a records control schedule filed with the State Library and Archives Commission and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal standards. [See CPC]
2. The record appears on a list of obsolete records approved by the State Library and Archives Commission.
3. A destruction request is filed with and approved by the State Library and Archives Commission for a record not listed on an approved control schedule.
4. A College District court issues an expunction order for the destruction or obliteration of the records, pursuant to state law.
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by the State Library and Archives Commission.

### *Local Gov't Code 202.001*

## EXCEPTIONS

A College District record the subject matter of which is known by the custodian to be the subject of litigation shall not be destroyed until the litigation is settled. A College District record that is subject to a request under Government Code Chapter 552 shall not be destroyed until the request is resolved. *Local Gov't Code 202.002*

**PRESERVATION OF RECORDS**

The Board shall determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004* [See CIA]

The Board shall preserve the certified agenda or tape recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the certified agenda or tape recording shall be preserved while the action is pending. *Gov't Code 551.104(a)*

**FILING SUIT TO WITHHOLD INFORMATION**

The Board or the officer for public information may, within the time lines provided for in Government Code 552.324(b) and 552.353(b)(3), file suit seeking to withhold information, but the requestor may not be named as a party to that action. The Board or officer for public information must demonstrate to the court that the Board or officer made a timely good faith effort to inform the requestor, by certified mail or other method of written notice that requires the return of a receipt, of:

1. The existence of the suit, including the subject matter, the cause number, and the court in which the suit is filed.
2. The requestor's right to intervene in the suit or to choose not to participate.
3. The fact that the suit is against the attorney general.
4. The address and phone number of the office of the attorney general.

*Gov't Code 552.324, 552.325*

**FAILURE TO RAISE EXCEPTIONS BEFORE ATTORNEY GENERAL**

A college district that files suit seeking to withhold information may raise only those exceptions to required disclosure that the College District properly raised before the attorney general in connection with a request for a decision by the attorney general, unless the exceptions raised by the College District in its suit seeking to withhold information are required by federal law or involve property or privacy interests of another person. *Gov't Code 552.326*

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DATE ISSUED: 03/22/2004

UPDATE 18

**GAA**(LEGAL)-AJC

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Local Policy

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