

Open Records Request Pursuant to the Texas Public Information Act Procedures and Process

The Texas Public Information Act (TPIA) (Gov. Code Chapter 552) affords the public with the right to access government information and records. Governmental entities, including the Texas State Affordable Housing Corporation (TSAHC), are required to promptly release requested information that is not confidential by statutory or constitutional law, or by judicial decision, or information for which an exception to disclosure has not been sought.

As defined by Gov. Code Sec. 552.002, "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 a governmental body; or (2) for a governmental body and the governmental body owns the information or has a right of access to it.

General Provisions

- TSAHC is committed to upholding the policies of the TPIA and to ensuring that public access to public information is preserved.
- Pursuant to Gov. Code 552.201, the President shall serve as the Officer for Public Information (OPI). The President may designate a Public Information Coordinator (PIC) to manage official responses to requests for public information.
- A request for public information or an "open records request" is any written request submitted by mail, hand delivery, fax or email. The request does not have to specifically mention the TPIA, formerly known as the Open Records Act, but should include enough description and detail about the information requested to enable TSAHC to accurately identify and locate the information requested.

Requirements of the OPI/PIC

- The OPI shall make public information available for public inspection and copying; carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and repair, renovate, or rebind public information as necessary to maintain it properly.
- The OPI shall treat all requests for information uniformly without regard to the position or occupation of the requestor.
- The OPI shall display the sign adopted by the Texas Attorney General outlining the rights of a requestor and the responsibilities of a governmental body where it is visible to individuals making a request in person and all TSAHC staff.

Submitting an Open Records Request

All requests for public information must be received in writing by mail, hand delivery, fax or email at:

Texas State Affordable Housing Corporation
6701 Shirley Avenue
Austin, TX 78752
Attention: Public Information Officer

Fax (512) 477-3557

E-mail: openrecords@tsahc.org

Initial Review Procedures

Any TSAHC staff member receiving a written request for public information must immediately forward it to the OPI or PIC. Any TSAHC staff member receiving a verbal request for public information must direct the requestor to the OPI or PIC.

The OPI may not inquire regarding the purpose for which the requested information will be used or make other inquiries of a requestor except to establish proper identification or: (a) if information requested is unclear, the requestor may be asked to clarify the request; and (b) if a large amount of information has been requested, the requestor may be asked how the scope of the request might be narrowed

If after 60 days there is no response from the requestor to any TSAHC inquiry the original request is considered withdrawn.

TSAHC is not required to accept or respond to a request from an individual who is imprisoned in a correctional facility.

All inquiries to the requestor for clarification or narrowing of a request shall be made in whichever method was used to submit the request or any preferred method as specified by the requestor. If the request for information included the requestor's physical or mailing address, the communication must be sent by certified mail to the requestor's physical or mailing address.

Requesting an Exemption

Upon receipt of a request for public information the OPI or PIC must first determine if any of the information requested is exempt from disclosure.

If any information is believed to be exempt from disclosure, the OPI must submit a request for a ruling from the Texas Attorney General within ten (10) business days from the date the request was received. The OPI or PIC must also provide the requestor with:

- (a) a written statement that a ruling for an exemption has been made; and
- (b) a copy of the correspondence sent to the Texas Attorney General.

Fulfilling the Request

Once a determination has been made that the requested information is not exempt from disclosure, the OPI or PIC shall respond within ten (10) business days by:

- (a) providing the public information for in person inspection or duplication at the TSAHC office;
or
- (b) by sending copies of the public information in whichever method was used to submit the request or any preferred method as specified by the requestor.

The OPI or PIC must also notify any third parties if the request involves their proprietary information within ten (10) business days of receiving the request for public information. All third parties are entitled to submit in writing to the Texas Attorney General any specific reasons as to why the information should be withheld or released. TSAHC may also submit any specific reasons as to why the information should be withheld or released.

If the requested information is unavailable for examination at the time of the request because it is in active use or in storage, the OPI or PIC shall inform the requestor and set a date and time when the information will be available for inspection or duplication.

If the requested information cannot be produced for delivery or in person inspection or duplication within ten (10) business days after the request is received, the OPI or PIC shall inform the requestor and set a date and time when the information will be available.

A requestor must complete an in-person review of the information within ten (10) business days after the date the information is made available. If the requestor does not complete the examination of the information within ten (10) business days after the date the information is made available and does not file a request for additional time as follows, the requestor is considered to have withdrawn the request.

The OPI shall extend the initial examination period by an additional ten (10) business days if, within the initial period, the requestor submits a written request for additional time.

Media Requests

If the request for public information is from a member of the news media, the OPI or PIC shall immediately direct the request to Marketing and Communications staff who will coordinate with all necessary TSAHC staff for drafting and fulfilling the response.

Intergovernmental Requests

If the request is from a legislative agency, legislative committee, member of the legislature, or any other elected or appointed governmental official, the OPI or PIC shall immediately direct the request to External Relations staff who will coordinate with all necessary TSAHC staff for drafting and fulfilling the response.

If a request from a member of the legislature specifically states that the information requested is for Legislative purposes, TSAHC must provide the information even if it is confidential or otherwise exempted from required disclosure by statute. TSAHC may require the Legislator to sign a confidentiality agreement requiring that: the information not be disclosed outside their office, or with all staff for purposes other than the purpose for which it was received;

- (a) the information be labeled as confidential;
- (b) the information be kept securely; or
- (c) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to TSAHC remaining confidential and subject to the confidentiality agreement.

Imposition of Charges for Public Information Requests

Per Section 552.261 of the Texas Government Code, TSAHC retains the right to charge for public information requests. If we determine that costs will likely exceed \$40 to fulfill a request, we are obligated to provide you an estimate of charges prior to fulfilling the request.

Once an estimate has been provided, a requestor must (1) accept the charges, (2) modify the request or (3) submit a complaint to the Open Records Division of the Office of the Attorney General alleging that the requestor is being overcharged for the information requested. A request will be considered automatically withdrawn if the requestor does none of the above within 10 business days. Requestors retain the right to view information in person at TSAHC's offices and no cost unless the compiling of information would incur costs as described in (h) below.

Permissible charges for public information as set by the Texas Attorney General may include:

- (a) The reproduction of 50 pages or less – charged at \$0.10 per page
- (b) The reproduction of more than 50 pages – charged at \$0.10 per page + \$15/hr. for personnel costs necessary to compile the documents
- (c) The retrieval of documents from an offsite location – cost determined by a 3rd party vendor
- (d) The reproduction of oversized documents (e.g. 11" x 17") – charged at \$.50 per page
- (e) The reproduction of nonstandard documents (e.g. DVDs, CDs, Audio Cassettes, etc.) – cost vary depending on the type of document and are in accordance with guidance provided by the Office of the Attorney General
- (f) The use of computer resources to fulfill the request (e.g. mainframe, server, etc.) – cost vary depending on the computer resource and are in accordance with guidance provided by the Office of the Attorney General
- (g) Labor costs involved in the compiling of information – charged at \$15/hr. for labor costs
- (h) Labor costs involved in the compiling of information in response to a request to inspect documents – charged at \$15/hr. for labor costs if the preparation of information takes more than 5 hours and the requested information is more than 5 years old or it would fill 6 or more archival boxes
- (i) TSAHC may add any postal or shipping charges which are necessary to send the information to the requestor.
- (j) For the purpose of determining fees, multiple requests submitted by the same requestor on the same day will be considered a single request.

TSAHC may waive or reduce the charges upon the determination that it is in the best interest of the public.