

Policies of the University of North Texas	Chapter 4
04.002 Request for Information Made Under the Texas Public Information Act	Administration

Policy Statement. The University of North Texas (the “University”) believes that as an entity of 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 OOVCGC.

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 are kept by a University employee regarding some aspect of the course and scope of his or her employment;
- f. most information contained in an account, voucher, or contract;
- g. staff manuals and written instructions to staff that affect a member of the public;
- h. information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the University; and
- i. information that a University employee promises to keep confidential, but is not considered confidential by law.

4. Examples of Exceptions to the Act.

Many types of information may not be disclosed to the public under the Act and must be kept confidential in accordance with the Act, some other law or court order. The following is a non-exhaustive list of information common to the University that may not be disclosed:

- 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

If a preliminary determination is made that requested information may be exempt from disclosure under the Act, the OVCGC will request an official decision from the Texas Attorney General, if necessary. The requestor must be notified and provided a copy of the written request for a decision.

6.6 Deadline for Providing Public Information

If the OVCGC determines that the requested information constitutes public information under the Act, it will notify the department or University employee who initially received the request or who has the information. Within a reasonable time after the request is received, normally ten business days, the requestor should be allowed access to view the information on the University campus or be provided copies of the requested information through first class United States mail. Note: the requestor has the right to determine whether to view the information on campus or to be provided copies of the information. If the information cannot be accessed for inspection or duplication within ten business days either because it is in active use as defined by the Act, in storage, because of the number of documents involved or because of the nature of the request, the University shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information should be available.

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 Information Request Charges" form showing the total amount of charges to be paid to the University and informing him or her that payment should be made within ten days each time a fee is charged for providing public information.

6.10 Requirement to Delete/Redact Confidential Information

If requested public information is mingled with confidential information, all confidential information must be deleted/redacted before the public information is made available to the requestor. The requestor may be charged for deleting/redacting confidential information only in accordance with this Policy.

6.11 Allowing Viewing of Information on Campus

If the Requestor wishes to review public information rather than receive copies, he or she should be allowed to inspect and duplicate the information in a comfortable environment within the time frame set out in this Policy. The requestor must complete his or her examination within ten days after the requested information has been made available. This time period will be extended for an additional ten days upon written request. Access may be

interrupted if the University needs the information for official business. The period of interruption shall not be considered a part of the time period for examination. The requestor may not at any time remove original copies of a public record from the University.

6.12 Information in Electronic or Magnetic 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 magnetic tape. The University shall provide a copy in the requested medium if:

- a. The University has the technological ability to produce a copy of the requested information in the requested medium;
- b. The University does not have to purchase any software or hardware to accommodate the request; and
- c. Providing a copy of the information in the requested medium will not violate the terms of any copyright agreement between the University and a third party.

6.13 Inability To Provide Information In Requested Format

If the University is unable to produce a copy of the information in the type of medium requested, it shall provide a paper copy of the requested information in another medium that is acceptable to the requestor. The University is not required to copy information onto a diskette or other material provided by the requestor and may use and charge the requestor for its own supplies.

6.14 Responses Requiring Programming or Information Manipulation

The University must inform a requestor in writing if providing requested information requires programming or manipulation of data and if the University has the ability to do so. The written notice must state that the information is not available in the requested form; describe the form in which it is available; describe the services that would be necessary to provide it in the requested form; an estimate of the cost in accordance with the charges set forth in this Policy; and the time it will take to respond to the request. This written statement shall be provided to the requestor no later than twenty days after the date the request was received. The University may have an additional ten days to provide the statement if, within twenty days of receipt of the request, written notice is given to the requestor that additional time is needed.

6.15 Maintaining Records of Requests for Information

It is important that the University maintain complete records of requests for information made under the Act. Each office/department is responsible for

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 according to the cost and time parameters set out in the statement or according to other terms agreed upon by requestor and the University; or
- b. He or she wants the information provided in the form in which it is available.

7. Charges for Information Provided.

Charges for providing public information should be assessed as established by the Texas Building and Procurement Commission, using the following guidance:

a. Charges When Requestor Views Information:

(1) Access to information in standard paper form. Generally, the University shall not charge for making available for inspection information maintained in standard paper form. Charges will be assessed for making public information available for inspection when:

- (i) The requested public information is mingled with confidential information. In such case, the University may charge for the photocopying costs of creating an edited version of the documentation. The University may not charge for personnel time spent deleting/redacting confidential information.

(ii) The anticipated personnel costs for making the information available for inspection is (1) older than five years; or (2) completely fills or when assembled will completely fill six or more archival boxes and the University estimates more than five hours will be required to make the information available.

(2) Access to information in other than standard form. The University shall not charge the requestor for the cost of preparing and making available such information, unless complying with the request will require programming, manipulation of data, or redaction of information. If programming or manipulation of data is required to make the information available, the requestor shall be notified as set out in section "n" above.

(3) Access to information in an electronic form on University computer. If public information exists in an electronic form on a computer owned or leased by the University and if the public has direct access to that computer 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 government-owned or government-leased computer before the information is copied.

b. Charges When Copies Provided:

(1) Charges for Less Than 50 Copies. Charges will be waived if the requested information is contained in less than 50 standard size pages and is located in one building and not in remote storage. Waiver of these charges is limited to one request per person, per year except where the University determines that waiver of charges is in the public interest.. All other waivers or reductions of charges must be approved by the OVCGC which shall determine if a waiver or reduction is in the public interest.

(2) Charges for Other Information. For all other information provided in response to a request under the Act, the requestor shall be charged in accordance with the charges set forth in this policy as reflected on the "University of North Texas Public Information Request Charges" form.

c. Definition of Charges:

The following definitions apply to charges that may be assessed for providing public information. All charges that may be assessed are reflected in the "University of North Texas Public Information Request Charges" sheet:

(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 withheld pursuant to the Act's permissive exceptions. Additionally, 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

Approved: 4/1/1994

Effective:

Revised: 11/96; 8/97; 9/98; 8/02

*5/2011 format only