



Handbook of Operating Procedures

Section: 4.5.1
Originally Approved: 05/01/1995
Last Amended: 01/31/2014
Last Reviewed: 01/31/2014
Page: 1 of 4

PUBLIC INFORMATION POLICY

A. Purpose

The purpose of this policy is to comply with the [Texas Public Information Act \("the Act"\)](#), [Government Code, Chapter 552](#) and The University of Texas System, and to promote uniformity throughout The University of Texas-Pan American (UTPA) for providing public records.

B. Persons Affected

This policy applies to all faculty and staff.

C. Policy

The policy of UTPA is that any member of the public is entitled to public, nonconfidential information about affairs of government and official acts of public officials and employees in accordance with the Texas Public Information Act, *Government Code 552*.

D. Definitions

Public Information. Information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body and the governmental body owns the information or has a right of access to it.

E. Responsibility

The University of Texas System designates the President of UTPA as the officer for public information for the University and delegates the President's authority under the Act to the University's chief business officer, UTPA's Vice President for Business Affairs. As its "Public Information Officer", UTPA's Vice President for Business Affairs is responsible for coordinating responses to requests for public information appropriately submitted to UTPA.

F. Procedures

1. Receiving and Referring Records

All public information requests should be submitted in writing to the Vice President for Business Affairs. Any employee or official receiving a written request for records should immediately forward it to the Vice President for Business Affairs. Written requests (other than e-mail and facsimile) to individuals other than the Vice President



Handbook of Operating Procedures

Section: 4.5.1
Originally Approved: 05/01/1995
Last Amended: 01/31/2014
Last Reviewed: 01/31/2014
Page: 2 of 4

PUBLIC INFORMATION POLICY

for Business Affairs are valid requests and must be handled in accordance with the Act and this policy.

2. Complying with Requests for Public Information

a Routine Requests

When it is clear that the Public Information Act requires the release of the requested records, such as routine, recurring requests clearly addressed in previous court decision or Attorney General Opens Records Decision, the Vice President for Business Affairs should respond or coordinate responses to the request, notifying the President as appropriate.

b. Consultation with Office of General Counsel

When it is not clear that the Texas Public Information Act requires the release of the requested records, the Vice President for Business Affairs should consult with the UT System Office of General Counsel as soon as possible to determine whether the records in question should be withheld or released. Subchapter C of the Public Information Act excepts from required disclosure a number of categories of information. On determination by the Office of General Counsel that requested information falls within one of these excepted categories, the Office of General Counsel shall forward a request for a decision to the Attorney General to confirm that such information shall be withheld from public disclosure.

c. Time of the Essence

If the University wishes to withhold information based upon a Subchapter C exception, it must notify the Office of General Counsel. The Public Information Act provides that a decision regarding applicability of the specified exception must be requested from the Attorney General within ten (10) business days from the date the request is received. If a decision of the Attorney General is not requested within ten (10) business days, the information is subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. In all cases where an Attorney General's decision is deemed necessary by the Office of General Counsel, the requested information or representative material must be compiled and provided to the Office of General Counsel for forwarding to the Attorney General along with the request for decision.



Handbook of Operating Procedures

Section: 4.5.1
Originally Approved: 05/01/1995
Last Amended: 01/31/2014
Last Reviewed: 01/31/2014
Page: 3 of 4

PUBLIC INFORMATION POLICY

d. News Media Requests

At the direction of the President, the Vice President for Business Affairs is to coordinate responses to news media requests with other Public Information Officers of UT System who have received the same or similar requests and, as appropriate, the Vice Chancellor for External Relations.

e. Requests from Legislators and Other Governmental Offices

At the direction of the President, the Vice President for Business Affairs shall notify the Vice Chancellor for Governmental Relations when UTPA receives requests for public information from members of the Legislature or other governmental offices.

f. Form and Approval of Responses

Except for routine responses, requested information should be reviewed and approved by the Vice President for Business Affairs following consultation, if appropriate, with the Office of General Counsel. As a general rule, cover letters responding to requests for public information should be signed by the Vice President for Business Affairs or designee.

g. Resolution of Questions

Questions regarding UTPA's procedure for responding to public information requests should be directed to the office of the UTPA Vice President for Business Affairs. Legal questions may be referred to the UT System Office of General Counsel.

3. Recovery of Costs

In accordance with [Title I of the Texas Administrative Code](#), it is the policy of UTPA to recover the full costs for retrieving and copying public information. Departments responding to requests for public information should account for all costs in fulfilling these requests using these guidelines. After the Vice President for Business Affairs has approved the release of information, the appropriate department shall make a preliminary estimate of the cost of retrieving and copying public information and provide such information to the Vice President for Business Affairs. The Vice President for Business Affairs shall confirm the estimate and notify the requester, giving the requester the option to agree to the cost and submit necessary prepayment, or to alter or withdraw the request.



Handbook of Operating Procedures

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Last Reviewed: 01/31/2014
Page: 4 of 4

PUBLIC INFORMATION POLICY

- a. The rules for establishing charges to be made for public information are set out in the *Texas Administrative Code*, Title 1.
- b. UTPA shall maintain a register which records receipt and processing of public information requests.

F. Review

The Divisional Head for this policy is the Vice President for Business Affairs and this policy shall be reviewed every five years or as legislation requires by the following Stakeholders:

1. Executive Director for Business Services – Senior Reviewer
2. Faculty Senate Chair
3. Staff Senate Chair
4. Student Government Association