

Public Information Policy GA-LA-PO1

Contents

- I. Title
- II. Policy
- III. Definitions
- IV. Relevant Federal and State Statutes
- V. Relevant UT System Policies, Procedures and Forms
- VI. Who Should Know
- VII. UT Arlington Office(s) Responsible for Policy
- VIII. Dates Approved or Amended
- IX. Contact Information
- X. Appendices

I. Title

Public Information Policy

II. Policy

A. Applicability

This policy applies to all requests submitted to the University of Texas at Arlington (UT Arlington) under the Texas Public Information Act (TPIA). This policy does not apply to a subpoena duces tecum or a request for discovery issued in compliance with an applicable statute or rule of civil or criminal procedure, since neither is a request for information under the TPIA.

B. Transparency

As described in UT System Regents' *Rule* 10801 and UT System policy UTS139, UT Arlington intends this policy to promote transparency, accountability, and access to and disclosure of information to the public.

C. Officers for Public Information and Designated Agents.

1. Delegation of Authority. The President is the officer for public information for UT Arlington. The President delegates his/her authority under the TPIA to the Public Information Officer(s) ("Officer").
2. Officer. The Officer for UT Arlington is the University Attorney.
3. Designated Agent. The Officer is the designated agent for coordinating responses to requests for public information on behalf of UT Arlington.
4. Officer's Designee. The Officer may delegate his or her duties to a Public information Coordinator, but retains ultimate responsibility for compliance with the TPIA.

D. General Duties of Officer

1. Make Available, Protect and Maintain Information. The Officer shall protect and maintain public information and make it available for public inspection and copying as required by the TPIA.
2. Evaluate Resources. Every two years, the Officer shall reevaluate the adequacy of the staffing level; administrative, technical and physical safeguards; and other resources allocated to comply with the TPIA and inform the President in writing of any changes needed. The Officer shall certify, in writing, the completion of this evaluation and maintain the certification in a readily-accessible file.

3. Sign. The Officer shall prominently display a sign in the form prescribed by the Attorney General as required by the TPIA.

E. Training Requirements

1. PIA training for all employees will be included in the University's new employee and annual compliance training.
2. Each Officer and Designee and employee requested by the Officer shall complete both the System-required TPIA training and the Attorney General's TPIA training no later than 90 days after his or her appointment begins, and then at least once every two years thereafter.

F. Receiving and Referring Requests

1. Written Requests. All requests for public information must be made in writing. A written request includes a request submitted by hand delivery, U.S. mail, electronic mail or facsimile.
2. Hand Delivery and U.S. Mail Requests. Any employee who receives a written request for information by U.S. mail or hand delivery shall forward it immediately to the Officer or The Public Information Coordinator.
3. Email and Facsimile Requests. Email and facsimile requests do not trigger the TPIA unless sent directly by the requestor to the Public Information Officer at the designated email address or facsimile line.
4. Requests for Clarification. All formal inquiries by an Officer or the Public Information Coordinator to the requestor for clarification or narrowing of a request shall be made in writing and sent by email or facsimile. If the request for information included only the requestor's physical or mailing address, the Officer or the Public Information Coordinator shall send the communication by certified mail to the requestor's physical or mailing address. In accordance with the TPIA, a request can and will be narrowed

or clarified only if the requestor responds and agrees to that narrowing or clarification.

G. Identifying and Gathering Responsive Information.

1. Identifying Location of Information. After receiving a request, the Officer or the Public Information Coordinator shall identify all offices, departments and individuals who are most likely to maintain information responsive to the request.
2. Gathering Information. The Officer or the Public Information Coordinator shall contact these offices, departments and individuals by email; instruct them to submit all potentially responsive information to the Officer or the Public Information Coordinator by a specified deadline; and apprise them of *Texas Government Code* Sections 552.351 and 552.352. See Appendix 2.
3. Written Certification. Each office, department, or individual contacted must submit a written certification to the Officer or the Public Information Coordinator confirming that:
 - a. a diligent search was performed and all potentially responsive information was provided to the Officer or the Public Information Coordinator; or
 - b. a diligent search was performed and no potentially responsive information was located.
4. This certification must follow the format shown in Appendix 2 to this policy.
5. Information Technology Searches. As the Officer or the Public Information Coordinator deems necessary to fulfill obligations under the TPIA, the Officer or Public Information Coordinator may request the University's Office of Information Technology to perform centralized information technology searches to identify and gather responsive information.

Because these searches have limitations, they should not be the only method used to identify information responsive to a request.

6. Record of Process. The Officer or the Public Information Coordinator shall preserve the names of the identified offices, departments and individuals, all contact emails or writings, all records of information technology searches conducted, and all written certifications in an electronic file and retain that file in accordance with the applicable records retention schedule.
7. Review. The Officer or the Public Information Coordinator shall review all information identified to determine if it is responsive; to the extent feasible, preserve all information reviewed in an electronic file or other readily accessible file; and retain that electronic file in accordance with the applicable records retention schedule.
8. Preserve Responsive Information. The Officer or the Public Information Coordinator shall preserve all information ultimately deemed responsive in an electronic file or other readily-accessible file and retain that file in accordance with the applicable records retention schedule.
9. Employee Information. In the event an employee's personnel record or emails, or other information specific to an individual is the subject of the request, the University will notify the employee.

H. Requests That Do Not Require An Attorney General Opinion.

If requested information is not excepted from required disclosure, the Officer or the Public Information Coordinator should respond or coordinate responses to the request as required by the TPIA.

I. Requests Requiring An Attorney General Opinion.

1. Discretionary Exceptions. UT Arlington may invoke discretionary exceptions in the following instances:
 - a. Discussions of Systemwide or institutional policy changes;

- b. Drafts of press releases and communications about those drafts;
 - c. Draft budgets and communications about those drafts;
 - d. Audit working papers and communications about working papers;
 - e. Attorney-client privileged and work product materials;
 - f. Claim settlement negotiations;
 - g. Law enforcement information;
 - h. Informer's privilege;
 - i. Bidding;
 - j. Real estate information;
 - k. Academic test items;
 - l. Library records;
 - m. Communications with the Legislative Budget Board;
 - n. Legislative bill analysis;
 - o. Litigation or settlement negotiations;
 - p. Other compelling reasons identified by the Officer or the Public Information Coordinator in the consultation described in Section II.1.2.
2. Consultation with Office of General Counsel Regarding Discretionary Exceptions. If an Officer or the Public Information Coordinator wishes to assert a discretionary exception to disclosure or is not clear whether requested information is excepted from required disclosure, the Officer or the Public Information Coordinator must consult with the Office of General Counsel to determine whether an Attorney General ruling will be requested. To begin this consultation, the Officer or the Public Information Coordinator should provide the following to the Office of General Counsel

in an electronic format no later than 7 business days after the institution receives a request:

- a. the request for information;
 - b. the requested information or a representative sample of the requested information;
 - c. a list of all possible exceptions the institution believes may apply.
3. Deadlines. To determine whether an exception applies, the Office of General Counsel must request a ruling from the Attorney General no later than 10 business days after a request is received and must notify the requestor as required by the TPIA. If an Attorney General ruling is not requested within 10 business days and/or the requestor is not notified of the request for a ruling as required by the TPIA, the information must be released as soon as practicable unless the information is confidential by law or there is a compelling reason to withhold it.
4. Representative Samples.
- a. If the Office of General Counsel deems it necessary to submit to the Attorney General a representative sample of the information being withheld, the representative sample should include:
 - i. at least one exemplar of each type of information that faithfully represents the responsive information; and
 - ii. at least one exemplar of information subject to each exception asserted in briefing to the Attorney General.
5. Request for Texas Attorney General Opinion. Only the Office of General Counsel is authorized to submit a request for a ruling and the corresponding briefing to the Attorney General on behalf of UT Arlington.
- J. Website.

1. UT Arlington will maintain a publicly-accessible website dedicated to displaying
 - a. public information requests it has received and
 - b. responsive information it is posting.
2. Posting of requests
 - a. No later than 3 business days after a public information request is received by the Officer, it shall be posted on this website.
 - b. Each request must be posted on this website verbatim unless, in the Officer's or the Public Information Coordinator's judgment, a verbatim entry is likely to violate applicable privacy laws, in which case the request shall be paraphrased.
 - c. When a request is posted, it must follow the format shown in Appendix 1 to this policy.
 - d. Once posted, each request must remain posted on the website for one year after it is received.
3. Posting of responsive information
 - a. By December 1, 2015, UT Arlington will post on its website all information it produced in response to a request for information filed on or after November 1, 2015, except materials that contain:
 - i. FERPA/education records;
 - ii. Protected Health Information (PHI);
 - iii. Personnel records;
 - iv. Police reports or law enforcement information;

- v. Any information to which the Board of Regents does not own copyright, as defined by federal law; and/or
 - vi. Any information produced to the requestor pursuant to a special right of access under law.
 - b. The information required by Section II.J.3.a should be posted on the website no later than 14 business days after the information is produced to the requestor. However, if a ruling is requested from the Attorney General on any portion of the request, the information must not be posted until 14 days after all rights to file a civil lawsuit to appeal the ruling have expired.
 - c. Once posted, this information must remain posted on the website for one year after the request was received.
- K. Requests from Legislators and Other Governmental Offices.

Notice to Director of Government Affairs. UT Arlington's Officer or Public Information Coordinator shall notify its Director of Government Affairs when the institution receives requests for public information from members of the Legislature or from other governmental offices.

III. Definitions

Public Information: this term is defined by *Texas Government Code* 552.002.

T. System: System Administration and all U. T. institutions.

IV. Relevant Federal and State Statutes

Texas Government Code Chapter 552, Texas Public Information Act

Texas Government Code Section 559.004, right to Correction of Incorrect Information

Texas Government Code Section 559.003, Right to Notice About Certain Information Laws and Practices

V. Relevant UT System Policies, Procedures and Forms

System Policy UTS139, Texas Public Information Act

Regents' *Rules and Regulations, Rule 10801*, Policy on Transparency, Accountability, and Access to Information

VI. Who Should Know

UT Arlington Faculty and Staff

VII. UT Arlington Office(s) Responsible for Policy

The University Attorney

VIII. Dates Approved or Amended

February 18, 2016

IX. Contact Information

All questions regarding this policy should be directed to the University Attorney.

X. Appendices

A. **Appendix 1 - Model Format to Display TPIA Requests**

<https://www.utsystem.edu/sites/utsfiles/policies/uts/related-forms/uts139appendix1.pdf>

B. **Appendix 2 - Example Request and Certification**

<https://www.utsystem.edu/sites/utsfiles/policies/uts/related-forms/uts139appendix2.pdf>

