



PUBLIC INFORMATION PROCEDURES

IN ACCORDANCE WITH THE ATTORNEY
GENERAL OF TEXAS

3800 STONE ROAD
KILGORE, TEXAS 75662

PUBLIC INFORMATION PROCEDURES

Please review the procedures below outlined in the Public Information Act Handbook by the Texas Attorney General, Greg Abbot. The full version of the Handbook may be viewed online at <http://www.oag.state.tx.us/>. We have replaced the handbook's reference to "a governmental body" with our agency's name, "the East Texas Council of Governments" or "ETCOG." In addition to the Public Information Act Handbook procedures, the East Texas Council of Government's Public Information Procedures are outlined on Page 6 of this document.

The Act. The Texas Public Information Act (the "Public Information Act" or the "Act") gives the public the right to request access to government information.

What is Public Information. Section 552.002(c) specifies that "[t]he general forms in which the media containing public information exist include a book, paper, letter, document, printout, photograph, film, tape, microfiche, microfilm, Photostat, sound recording, map, and drawing and a voice, data, or video representation in computer memory.

Making a Request. The Act is triggered when a person submits a **written** request to the East Texas Council of Governments (ETCOG). The request must ask for records or information already in existence. The Act does not require ETCOG to create new information, do research, or to answer questions. In preparing a request, a person may want to ask ETCOG what information is available.

Charges to the Requestor. A person may ask to view the information, get copies of the information, or both. If a request is for copies of information, ETCOG may charge for the copies. If a request is only for an opportunity to inspect information, then usually ETCOG may not impose a charge on the requestor. However, under certain limited circumstances ETCOG may impose a charge for access to information. All charges imposed by ETCOG for copies or for access to information must comply with attorney general rules, unless another statute authorizes an agency to set its own charges.

Exceptions to the Act. Although the Act makes most government information available to the public, some exceptions exist. If an exception might apply and ETCOG wishes to withhold the information, ETCOG generally must, within ten business days of receiving the open records request, refer the matter to the Office of the Attorney General (OAG) for a ruling on whether an exception applies. If the OAG rules that an exception applies, ETCOG will not release the information. If ETCOG improperly fails to release information, the Act authorizes the requestor or the OAG to file a civil lawsuit to compel ETCOG to release the information.

Questions or Complaints. To reach the OAG's Open Government Hotline, call toll free (877) 673-6839 (877-OPEN TEX). Hotline staff can answer questions about the proper procedures for using and complying with the Act and can assist both ETCOG and requestors. Hotline staff also reviews written complaints about alleged violations of the Act. If a complaint relates to charges, contact the attorney general cost rules administrator (512) 475-2497 or forward a written complaint. Certain violations of the Act may involve possible criminal penalties. Those violations must be reported to the county attorney or criminal district attorney. To reach ETCOG's Public Information Officer, Lindsay Vanderbilt, call (903) 984-8641 ext. 218.

RIGHTS OF REQUESTORS

All people who request public information have the right to:

- Receive treatment equal to all other requestors
- Receive a statement of estimated charges in advance
- Choose whether to inspect the requested information, receive a copy of the information, or both
- Be notified when ETCOG asks the OAG for a ruling on whether the information may or must be withheld
- Be copied on ETCOG's written comments to the OAG stating the reason why the stated exceptions apply
- Lodge a complaint with the OAG cost rules administrator regarding any improper charges for responding to a public information request
- Lodge a complaint with the OAG Hotline or the county attorney or criminal district attorney, as appropriate, regarding any alleged violation of the Act

RESPONSIBILITIES OF REQUESTORS

All people who request public information have the responsibility to:

- Submit a written request according to ETCOG's procedures
- Include enough description and detail of the requested information so that ETCOG's public information officer can accurately identify and locate the requested items
- Cooperate with ETCOG's requests to clarify the type or amount of information requested
- Respond promptly in writing to all written communications from ETCOG (including any written estimate of charges)
- Make a timely payment for all valid charges
- Keep all appointments for inspection of records or for pick-up of copies

RIGHTS OF THE EAST TEXAS COUNCIL OF GOVERNMENTS

ETCOG, responding to information requests, has the right to:

- Establish reasonable procedures for inspecting or copying information
- Request and receive clarification of vague or overly broad requests
- Request an OAG ruling regarding whether any information may or must be withheld
- Receive timely payment for all copy charges or other charges
- Obtain payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from the same requestor
- Request a bond, prepayment, or deposit if estimated costs exceed \$100.00

RESPONSIBILITIES OF THE EAST TEXAS COUNCIL OF GOVERNMENTS

ETCOG, responding to information requests, has the responsibility to:

- Treat all requestors equally
- Go through open records training as required by law
- Be informed of open records laws and educate employees on the requirements of those laws
- Inform the requestor of cost estimates and any changes in the estimates
- Confirm that the requestor agrees to pay the costs before incurring the costs
- Provide requested information promptly
- Inform the requestor if the information will not be provided within ten business days and give an estimated date on which it will be provided (the first business day is the day after the written request is received by the public information officer)
- Cooperate with the requestor to schedule reasonable times for inspecting or copying information
- Follow attorney general regulations on charges; not overcharge on any items; not bill for items that must be provided without charge
- Inform third parties if their proprietary information is being requested from ETCOG
- Inform the requestor when the OAG has been asked to rule on whether information may or must be withheld
- Copy the requestor on written comments submitted to the OAG stating the reason why the stated exceptions apply
- Comply with any OAG ruling on whether an exception applies, or file suit against the OAG within 30 days
- Respond in writing to all written communications from the OAG regarding complaints about violations of the Act

THE ATTORNEY GENERAL CHARGE SCHEDULE

The following is a summary of the charges for copies of public information that have been adopted by the Attorney General.

ITEM	CHARGE
Standard paper copy	\$.10 per page
Oversize paper copy	\$.50 per page
Redacted information (ex: SSN)	\$.10 per page
Diskette	\$1.00
Magnetic tape	Actual cost
Data cartridge	Actual cost
Tape cartridge	Actual cost
Rewritable CD	\$1.00
Non-rewritable CD	\$1.00
DVD	\$3.00
VHS cassette	\$2.50
Audio cassette	\$1.00
Labor for programming	\$28.50 per hour
Labor for locating, compiling, and reproducing	\$15 per hour
Overhead charge	20% of labor charge
Postage and shipping	Actual cost
Photographs	Actual cost
Maps	Actual cost
Client/Server System	\$2.20 per clock hour
Sales Tax	No Sales Tax Applied to Copies

Other charges may be viewed at <http://www.oag.state.tx.us/>

ETCOG'S PUBLIC INFORMATION PROCEDURES FOR REQUESTORS

Thank you for reviewing the information above outlined by the Texas Attorney General. ETCOG reserves the right to establish reasonable procedures for requesting information, which are outlined below. Please feel free to contact our Public Information Officer if you have any questions or need assistance in making your request. We promise to make an effort to provide you with your requested information promptly.

1. Send your written request to Lindsay Vanderbilt, Public Information Officer:
 - a. By mail: 3800 Stone Road Kilgore, TX 75662
 - b. By email: Lindsay.Vanderbilt@etcog.org
 - c. By fax: (903) 983.1440 (must be addressed to Public Information Officer)
 - d. In person: 3800 Stone Road Kilgore, TX 75662
2. Provide the following information with your request: name (optional), mailing address, daytime phone number and/or email address
3. If making a request in person, it must still be in writing
4. If a requestor has accepted the estimated charge provided by the public information officer, payment is due upon delivery of the requested information. ETCOG accepts payment in cash, check or money order.
5. If a request is estimated to exceed \$100, a 50% security deposit is required. The remaining balance is due upon delivery.

Bid information requests. Once a bid is awarded, the bid is considered to be an open record according to the Texas Open Records Act, at which time the bidders' prices can be revealed, unless there is a proprietary restriction. Only the administrative services department, in consultation with the public information officer may release information regarding bids received.

Protected information. The law requires social security numbers to be redacted from documents requested for public information. The Public Information Act also allows employees, public officials and former employees and officials to elect whether to keep certain information about them confidential such as: home address, home telephone number, and information that reveals whether an employee has family members. If an employee has elected to keep any of the listed information confidential, ETCOG will request an OAG ruling to redact the information from the requested documents. An OAG ruling may take up to 45 days. The only information the public information officer may and must redact without an OAG ruling is a social security number.

Internal public information requests. If a current or former ETCOG employee has a public information request, he or she is to follow the same procedures outlined above and trigger the Act with a written request to the Public Information Officer. A copy of the employee's public information request will be provided to the employee's director, human resources and the ETCOG Executive Director.

All requests are to be made in English and follow the Public Information Act and outlined procedures above.