

| Institutional Handbook of Operating Procedures Policy 02.01.03 | |
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| Section: Administrative General | Responsible Vice President: Senior Vice President and Chief Legal Officer |
| Subject: General | Responsible Entity: Legal Affairs |

I. Title

Release of Information under the Texas Public Information Act

II. Policy

A. The section contains the full text of the policy, including detailed information about the purpose of the policy and details about the policy components. When appropriate, it also includes instructions for reporting and resolving noncompliance with the policy.

Under provisions of the Texas Public Information Act (“PIA”), (Texas Government Code, Chapter 552), the Chancellor and the President of each University of Texas System institution are the officers for public information. The President may delegate this authority under the PIA to another UTMB employee who will serve as the UTMB Public Information Officer.

The law requires adherence to strict deadlines for responses to requests for public information.

Violation of this policy may result in disciplinary action up to and including termination for employees; a termination of employment relationship in the case of contractors or consultants; or suspension or expulsion in the case of a student employee. Additionally, individuals may be subject to loss of access privileges and civil and/or criminal prosecution.

B. Information Subject to Disclosure

All information collected, assembled or maintained by UTMB, in the course of its official business is public information subject to disclosure under the provisions of the Texas Public Information Act, unless the information falls within one or more of the [Act’s specified exceptions](#) or is otherwise confidential under law.

Time is of the essence in responding to PIA requests. If UTMB wishes to withhold information pursuant to an exception within the PIA, the Attorney General must be appropriately notified within ten (10) business days from the date the request was received by UTMB. Thus, information must be timely received and reviewed by the Public Information Officer to determine whether any exceptions under the PIA apply. If the timelines specified in the PIA are not strictly followed, UTMB will likely waive any exceptions it might have otherwise been able to claim and may be compelled to produce those otherwise protected documents.

Under the Act, the failure of good faith compliance with its disclosure and/or withholding requirements can result in civil and criminal penalties.

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 PIA. Further, medical records and the personal health information therein are not, as a general rule, considered to be public information.

C. Authority

Public Information Officer or his/her designee has the exclusive authority to release any records requested under the PIA.

III. Procedures

A. Request for Public Information

All requests to view or copy UTMB public information must be in writing and must be addressed to the UTMB Public Information Officer and sent by one of the following methods:

- US Postal Service:
UTMB Public Information Officer
Department of Legal and Regulatory Affairs
301 University Boulevard
Galveston, Texas 77555-0171
- Hand Delivery: Please call (409) 772-1904 prior to arrival to gain access into suite
UTMB Public Information Officer
Department of Legal and Regulatory Affairs
Administration Building
301 8th Street, Suite 6.206
Galveston, Texas 77555
- Email requests: public.info@utmb.edu

If an employee receives a request for records and is unsure how to proceed, please contact the Public Information Officer for guidance.

B. Responsibilities

1. Office, Department, or Individual with Custody of PIA Information

The Public Information Officer and/or Department of Legal and Regulatory Affairs shall review all public information requests and will determine what UTMB office, department, or individual may maintain responsive information. Upon being contacted by the Public Information Officer and/or Legal Affairs, the responsible Department is to gather all responsive documents and deliver them unaltered to Legal Affairs within **two business days**.

Each office, department, or individual contacted under this section must submit a written response to the Public Information Officer or designee confirming that:

- a. a diligent search was performed and all potentially responsive information was provided to the Public Information Officer or Designee; or
- b. a diligent search was performed and no potentially responsive information was located.

2. Department of Legal and Regulatory Affairs

The Department of Legal and Regulatory Affairs is responsible for:

- a. Determining what information is responsive to a PIA request.
- b. Providing a legal analysis and guidance to the Public Information Officer or his/her designee regarding the decision to withhold or disclose UTMB information. The Public Information Officer will notify the President, Chief Legal Officer, UTS, and/or the UTMB Office of Marketing and Communications as appropriate regarding a request.
- c. Consulting with the Office of General Counsel (OGC) for the University of Texas System as needed, to determine whether the information in question should be withheld or released.
- d. Assisting OGC in preparing timely requests for the Attorney General when UTMB is of the opinion that the requested information is excepted from disclosure and OGC determines that a ruling from the Attorney General is necessary. The following shall be provided to OGC: (1) the request for information; (2) the requested information or, if appropriate, a representative sample of the requested information; and (3) a list of all possible exceptions the Public Information Officer or designee believes may apply. Before seeking a ruling, Legal Affairs and OGC will confirm that there is no prior determination by the courts or the Attorney General that the records are the type that fall within the claimed exception to the PIA.
- e. Reviewing all responses or releases of information and submitting the same to the Public Information Officer or designee for approval following appropriate consultation with OGC, as required.
- f. Upon a determination that information must be released, the Public Information Officer or designee will promptly release such information.

C. Collecting Fees for Providing Public Information

Under strict requirements established by statute, regulation, and the Attorney General, UTMB may collect fees associated with collecting, copying, preparing and sending Public Information to requestors if certain conditions apply. The rules related to charging for Public Information can be found in the PIA and at Title I Part 3 Chapter 70 of the Texas Administrative Code.

IV. Relevant Federal and State Statutes

[Texas Government Code, Chapter 552](#)

[Texas Administrative Code, Title I, Part 3, Chapter 70](#)

V. Relevant System Policies and Procedures

[UT139 Compliance with the Texas Public Information Act](#)

VI. Related UTMB Policies and Procedures

[UTMB Open Records Statement](#)

VII. Dates Approved or Amended

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| <i>Originated: 04/01/1994</i> | |
| <i>Reviewed with Changes</i> | <i>Reviewed without Changes</i> |
| 10/14/2010 | 01/07/2014 |
| 08/04/2020 | 01/23/2017 |

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| 05/26/2021 | |
| 03/25/2025 | |

VIII. Contact Information

Public Information Officer

(409) 772-1904

public.info@utmb.edu