Section 2	General Administrative Policies and Services	04/01/94	-Originated
Subject 2.1	General Institutional Policies	10/14/10	-Reviewed w/ changes
		12/04/13	-Reviewed w/o changes
		01/07/14	-Effective
Policy 2.1.3	**Release of Information under the Texas Public Information Act**	Department of Legal Affairs	-Author

Release of Information under the Texas Public Information Act

Definitions

"Representative Sample" – a sample that satisfies each type of information or document requested. A representative sample is only used when the responsive documents are voluminous to produce and the requested documents are substantially similar in context or type.

Policy

Under provisions of the Texas Public Information Act ("PIA"), (Texas Government Code, Chapter 552), the Chancellor and the President of each U.T. 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.

Because the law requires adherence to strict deadlines for responses to requests for public information, written requests (received by mail or hand-delivery) for public information submitted to any UTMB employee must be forwarded to UTMB's Public Information Officer or his/her designee within twenty-four (24) hours of receipt. Requests for public information submitted via facsimile or email to any UTMB employee other than the Public Information Officer are not considered properly served and thus do not activate the deadlines imposed by the PIA. In these instances, the requestor should be promptly directed to properly serve the request to UTMB's Public Information Officer by one of the following methods:

- UTMB Public Information Officer
  Department of Legal Affairs
  301 University Boulevard
  Galveston, Texas 77555-0171
- Email: public.info@utmb.edu
- Facsimile: 409-747-8741

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.

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.

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 will likely be compelled to produce those excepted documents.

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

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

Authority

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

Requests for Public Information

All requests to view or copy UTMB public information **must be in writing** and should be addressed to the Public Information Officer. UTMB does not accept or respond to oral requests. If an oral request is received, the requesting party should be directed to address the request in writing to the Public Information Officer.

Note: As noted above, a written request received in the mail or hand delivered to any UTMB employee is a valid request and remains subject to the ten (10) business day deadline (from the date of receipt) for UTMB to seek an Attorney General opinion on disclosure. However, as also noted above, a request made by electronic mail or facsimile transmission must be emailed or faxed directly to the Public Information Officer in order to be a valid request under the PIA.

Department with Custody of the PIA Information Responsibilities

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

Department of Legal Affairs Responsibilities

The Department of Legal Affairs is responsible for:

- 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 analysis and guidance must be provided within three business days of receipt of the requested PIA materials, or a Representative Sample, from the responsible department with custody. When it is unquestionably clear that the Texas Public Information Act requires release of the requested information, the Department of Legal Affairs will advise the Public Information Officer to fill the request. The Public Information Officer will notify the President as appropriate.

- Determining what information is responsive to a PIA request.

- Consulting with the Office of General Counsel for the U.T. System to determine whether the information in question should be withheld or released.

- Assisting the Office of General Counsel for the U.T. System in preparing timely requests for Attorney General when UTMB is of the opinion that the requested information is excepted from disclosure and the Office of General Counsel for the U.T. System determines that a ruling from the Attorney General is necessary. (Before seeking a ruling the Office of the General Counsel 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).

Department of Legal Affairs Responsibilities, continued

- Reviewing all responses or releases of information and submitting the same to the Public Information Officer or designee for approval following appropriate consultation with the Office of General Counsel for the U.T. System, and the Vice Chancellor for Business Affairs in the case of multiple component responses.

Collecting Fees for Providing Public Information

Under strict requirements established by 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 at Title I Part 3 Chapter 70 of the Texas Administrative Code.

- Additionally, UTMB may charge fees for retrieving and duplicating public information under limited circumstances when responding to large or multiple requests from a single requestor once UTMB has:
  - spent at least 36 hours responding to a request or multiple requests from one individual during a fiscal year, and
  - UTMB has not previously recovered its costs attributable to personnel time spent to fulfill the request(s).
- Once the minimum time limit of 36 hours is met, UTMB must provide an estimate for the entire cost of responding to the request within 10 days.
- UTMB is not required to comply with the request unless the requestor, within 10 days of receipt of the estimate, commits in writing to pay the lesser of:
  - The actual costs incurred in complying with the request, including the cost of materials and personnel time and overhead; or
  - The amount stated in the written statement provided by the governmental body.
- This section of this policy shall not apply to requests made by members of the TV, radio, and newspaper media, elected officials or publicly funded legal services organizations as described in section 552.275 of the Texas Government Code.

References

UTMB Open Records Statement
U.T. System Business Procedure Memorandum 32-06-05

Section 2	General Administrative Policies and Services	04/01/94	-Originated
Subject 2.1	General Institutional Policies	10/14/10	-Reviewed w/ changes
		12/04/13	-Reviewed w/o changes
		01/07/14	-Effective
Policy 2.1.3	**Release of Information under the Texas Public Information Act**	Department of Legal Affairs	-Author