



Institutional Handbook of Operating Procedures
Policy 02.01.03

Section: Administrative General	Responsible Vice President: Senior Vice President & General Counsel
Subject: General	Responsible Entity: Legal Affairs

I. Title

Release of Information under the Texas Public Information Act

II. Policy

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 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.

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.

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.

III. Procedures

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 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 Affairs
404 8th Street, 4th Floor
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.

IV. Responsibilities

Department with Custody of PIA Information

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

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).
- 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, pursuant to Texas Government Code, Chapter 552, Section 552.275, 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.

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

<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
05/26/2021	

VIII. Contact Information

Public Information Officer
(409) 772-1904
public.info@utmb.edu