

North East Texas Regional Mobility Authority Guidelines for Responding to Public Information Act Requests

Procedure for Requesting and Accessing Public Information

- All requests for information must be in writing.
- The NET RMA may ask a requestor to clarify a request for information and may discuss with the requestor how the scope of a voluminous request might be narrowed. The NET RMA may not make an inquiry as to why the information is being requested.
- The NET RMA shall respond to written requests for information as promptly as reasonably possible. If the NET RMA is unable to produce the requested information within ten (10) business days of receipt of the request, the NET RMA shall certify that fact in writing to the requestor and set a date within a reasonable time when the information will be available for inspection.
- Public information will be made available for inspection and/or copying during normal business hours of the NET RMA. If copies of information are requested, the NET RMA shall provide suitable copies within a reasonable time after the date on which the copies are requested. The NET RMA shall accommodate requests for copies on electronic media to the extent that it has the technological ability to produce copies of the requested information in the requested media.
- The requestor shall complete the examination of the public information within ten (10) business days after the date the information is made available to the requestor. If the requestor does not complete the examination of the information or request an extension of the time for examination within ten (10) business days, the public information request shall be considered withdrawn.
- All requests for public information shall be treated uniformly, without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media.

Information Excluded from Disclosure

- Certain categories of information are excluded from disclosure under the Public Information Act. These exceptions to disclosure may be mandatory or discretionary in nature.
- The NET RMA may seek the advice of its legal counsel regarding whether a request for information includes information that is excluded from disclosure under the Public Information Act. In the event that information is believed to be excluded from disclosure, a request for determination shall be filed with the Texas Attorney General within ten (10) business days of receipt of the request for

information. Within fifteen (15) business days of receipt of the request, the NET RMA shall submit to the Attorney General a copy of the request for information, a copy of the information requested (or a representative sample), a signed statement as to the date of receipt of the request, and written comments stating the reasons that the information is excepted from disclosure. A copy of the written comments shall be provided to the requester.

Allowable Fees for Open Record Requests

Requests for 50 or Fewer Copies:

- The fee for a request of fifty (50) or fewer copies shall be limited to the charge for each page of the paper record that is photocopied and shall not include costs of materials, labor, or overhead (unless the pages to be photocopied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility, as defined by Section 552.261 of the Government Code).
- The charge for standard paper copies (up to 8.5" by 14") reproduced by means of an office copy machine or computer printer is \$.10 per page. Paper with information reproduced on both sides will be counted at two copies.
- The charge for oversized paper copies is \$.50 per page. The per copy charge for copies of diskettes, CDs, and audio cassettes is \$1.00. The charge for VHS video cassettes is \$2.50. The charge for DVDs is \$3.00. The charge for magnetic tape, data or tape cartridges, specialty paper, JAZ drives, and other electronic media will reflect the actual cost.

Requests for 51+ Copies:

- In addition to the per copy charges listed above, the fee for producing more than fifty (50) copies may include all costs related to producing the public information, including costs of materials, labor, and overhead.
- Labor incurred in processing a request for public information shall be charged at a rate of \$15 per hour and shall include the actual time spent locating, compiling, and reproducing the requested information. Time spent redacting confidential information pursuant to a mandatory exception to disclosure under the Public Information Act may also be charged. A labor charge shall not be recovered for any time spent by an attorney or any other person who reviews the requested information to determine whether the NET RMA will raise any exceptions to disclosure of the requested information. Should a particular public information request require the services of a programmer in order for the requested information to be accessed and copied, the programmer's labor shall be charged at a rate of \$28.50 per hour.

- The charge for overhead shall cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. Overhead charges shall be computed at 20% of any labor costs associated with a particular request.
- Requestors may also be required to pay computer resource charges (as defined in Section 111.63(h) of Title 1, Part 5 of the Texas Administrative Code), charges for miscellaneous supplies (such as labels, boxes, or other supplies used to produce the requested information), and postal and shipping charges.
- If the fee for obtaining public information includes costs of labor, the requestor may require the governmental body to produce a written statement regarding the amount of time that was required to provide and provide the copy.
- If a request for copies will result in a charge that exceeds \$40.00, the requestor must be notified according to the requirements of Section 552.2615 of the Government Code.
- The NET RMA may require a deposit or bond for payment of anticipated costs if the charge for providing the copies is estimated to exceed \$50.00 in accordance with Section 552.2615 of the Government Code.

Obligations of NET RMA Employees and Board Members

- NET RMA employees and members of the NET RMA Board of Directors shall choose whether to allow public access to information in the custody of the NET RMA that relates to the employee or board members home address, home telephone number, social security number, or family members. Each employee or board member (or former employee or board member) shall state his or her preference regarding disclosure of the information listed above in a signed writing within 14 days of beginning employment with the NET RMA, being appointed to the NET RMA Board of Directors, or ending service with the NET RMA.
- Members of the NET RMA Board of Directors shall complete a course of training regarding the responsibilities of the NET RMA with regard to public information as required by Section 552.012 of the Government Code. For board members taking office after January 1, 2006, the training requirement must be completed within ninety (90) days of the taking of the oath of office. For board members in office prior to January 1, 2006, the training requirement must be completed by January 1, 2007. Board members may designate a public information coordinator to satisfy the public information training requirement in accordance with Section 552.012(c) of the Government Code.

