

**THE TEXAS A&M UNIVERSITY SYSTEM
HEALTH SCIENCE CENTER INTERNAL POLICIES**

61.01.02.Z1.01 Public Information

Approved April 08, 2009

Revised November 1, 2011

Supplements System Policy 61.01 and System Regulation 61.01.02

1. OVERVIEW

According to System Policy 61.01 The Texas A&M University System and its members, including the Texas A&M University System Health Science Center (HSC), shall fully comply with the Texas Public Information Act (“PIA”).

2. PUBLIC INFORMATION OFFICER

2.1 The HSC Chief Legal Officer is the designated HSC Public Information Officer (“PIO”), and the designated assistant is the backup PIO. The President retains ultimate responsibility for HSC’s full compliance with the PIA.

2.2 The PIO and backup PIO shall comply with System Regulation 61.01.02 §2.3-2.8.

2.3 HSC adopts System Regulation 61.01.02, Section 3 (Public Information Request Procedures) as its procedure for complying with the PIA.

3. COSTS

3.1 Unless HSC determines that a waiver or reduction of fees is in the public interest, fees for complying with the PIA shall be assessed and collected as authorized and provided in Texas Government Code §552.261-275.

3.2 Specifications

3.2.1 HSC establishes a limit of thirty-six hours per fiscal year on the amount of time that its personnel are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time.

3.2.2 In determining whether a time limit established under subparagraph 3.2.1 applies, any time spent complying with a request for public information submitted in the name of a minor, as defined by Texas Family Code §101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless

that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

- 3.2.3 Each time the HSC complies with a request for public information, the requestor will be provided with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable fiscal year which shall not include the time spent preparing the written statement.
- 3.2.4 When the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds thirty-six hours, HSC will provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate shall be provided to the requestor on or before the 10th day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be in accordance with rules prescribed by the Attorney General.
- 3.2.5 If additional time is required to prepare the written estimate under subparagraph 3.2.4, HSC shall provide the requestor with a written statement of its determination with regard thereto, and HSC will provide the written estimate as soon as practicable but not later than the 10th day after notice to the requestor that more time was required.
- 3.2.6 If HSC provides a requestor with a written statement under subparagraphs 3.2.4 or 3.2.5, HSC will not produce public information for inspection or duplication or provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the HSC provided the written statement under 3.2.4 or 3.2.5 the requestor submits a statement in writing to HSC in which the requestor commits to pay the lesser of:
 - (a) the actual costs incurred in complying with the requestor's request, including the cost of materials, personnel time and overhead; or
 - (b) the amount stated in the written statement provided under subparagraphs 3.2.4 or 3.2.5.

If the requestor fails or refuses to submit the written statement, the requestor will be considered to have withdrawn the pending request for public information.

- 3.2.7 Paragraph 3.2 does not apply:
 - (a) if the requestor is a representative of:
 - (i) a radio or television station that holds a license issued by the Federal Communications Commission; or
 - (ii) a newspaper that is qualified under Texas Government Code §2051.044, to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;
 - (b) if the requestor is an elected official of the United States, this state, or a political subdivision of this state; or
 - (c) if the requestor is a representative of a publicly funded legal service organization that is exempt from federal income taxation under Section

501(a) Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

4. RECEIPT OF REQUESTS FOR PUBLIC INFORMATION

If any person employed by HSC receives a request that might reasonably be construed as a request for public information, such request must be forwarded immediately to the PIO or backup PIO for further review and handling.

OFFICE OF RESPONSIBILITY

HSC Chief Legal Officer