

# 61.01.02.W1.01 Public Information (Open Records Request) Procedure

Approved November 22, 2010

Revised February 3, 2025

Next Scheduled Review February 3, 2030



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## Procedure Summary

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This West Texas A&M University procedure supplements TAMUS Policy 61.01.02 and Texas Government Code, Chapter 552. This procedure describes the process used to receive, refer, and respond to public information requests submitted to West Texas A&M University (WTAMU).

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## Procedure

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### 1. PUBLIC INFORMATION (OPEN RECORDS REQUEST)

#### 1.1. Per System Regulation 61.01.02:

- 1.1.1. The Texas Public Information Act, Chapter 552, Texas Government Code (the "Act"), specifies that, with certain exceptions, all information collected, assembled, or maintained pursuant to law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body, if the governmental body owns or has access to the information, is public information and must be available to the public during normal business hours of the governmental body.
- 1.1.2. As used in the Act, the term "governmental body" includes boards, committees, institutions, agencies, or offices that are within or created by the executive branch of the state government, including the system Board of Regents (board) and WTAMU, and that are under the direction of one or more elected or appointed members.
- 1.1.3. The Act "will be liberally construed in favor of granting a request for information."

### 2. PUBLIC INFORMATION OFFICER

- 2.1. The university president/CEO is the officer for public information, who is responsible for the preservation and care of the member's public records.

- 2.2. The President/CEO must designate an agent to act as the Public Information Officer ("PIO") for West Texas A&M University.
- 2.3. The designated agent for West Texas A&M University is the Assistant Vice President for Risk and Compliance. The Assistant Vice President for Risk and Compliance compiles and coordinates responses to all public information requests. The backup/alternate PIO is appointed by the university president/CEO and is not delegated to a specific university position or title. The President/CEO retains the ultimate responsibility for WTAMU's full compliance with the Act. The PIO and backup shall complete open records training as required by Section 552.012 of the Act.
  - 2.3.1. The System Office of General Counsel (OGC) and the PIOs for the other system members must be notified upon the appointment of a new PIO.
- 2.4. The following information must be prominently displayed and easily accessible on the WTAMU website.
  - 2.4.1. PIO's identity;
  - 2.4.2. PIO's office location;
  - 2.4.3. PIO's mailing address;
  - 2.4.4. Open records email address;
  - 2.4.5. And a link to WTAMU's electronic open records portal.
- 2.5. All departments, faculty, and staff should ensure that the PIO promptly receives all requests for public information, preferably by e-mail to confirm and track these time-sensitive requests.
- 2.6. The PIO shall not make any inquiry of a requestor except to establish proper identification, to seek clarification to determine what public information is being requested, or to seek to narrow the scope of a request for a large amount of information. All requests will be treated uniformly without regard to the position or occupation of the requestor or whether the requestor is a member of the media.
- 2.7. The PIO shall keep an accurate record of all public information requests for a given year, including the name and contact information of each requestor, the date on which a request is received, the date on which the records are made available or copies provided, the type of information requested, which departments were requested to provide information by the PIO, which departments provided the requested information, how much is charged to and paid by the requestor for copies and other costs, if any, and any other

information necessary to demonstrate compliance with the Act for each request. The PIO should keep a record any time an Attorney General decision is sought, to include the decision of the Attorney General for a given request, if any.

- 2.8. Not later than the end of each month, the PIO must electronically submit to the Office of the Attorney General all necessary information on the number and nature of public information requests the member responded to during the prior month. The PIO must ensure the member timely makes all other reports to the Office of the Attorney General which are required by the Act.
- 2.9. If necessary, the PIO shall ensure timely requests are made to the Office of the Attorney General.
- 2.10. PIO must prominently display the sign in the form approved by the attorney General "that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information under" the Act.

### 3. PUBLIC INFORMATION REQUESTS

- 3.1. Any public information request must be in writing and should be directed to the PIO. A person submitting a public information request by email or facsimile must send the request to the PIO. If a public information request is mailed or delivered to an employee other than the PIO, that employee shall immediately forward the request to the PIO.
- 3.2. After receiving a public information request, the PIO shall promptly:
  - 3.2.1. Process the request through the member's electronic open records portal;
  - 3.2.2. Send an acknowledgment of receipt to the requestor, including its assigned portal number;
  - 3.2.3. Forward a copy of the request to the department(s) that may reasonably possess the requested information. The department(s) shall search for the requested information and notify the PIO regarding responsive information. The request must be addressed by the department immediately upon request and all responsive information provided to the PIO by close of business on the date indicated by the PIO on the request for information;
  - 3.2.4. Notify the President/CEO of requests that may have public relations significance;
    - 3.2.4.1. For requests which have the potential for public relations significance, a notification must also be made to OGC and System Marketing and Communications.

3.2.5. Forward a copy of the request and responsive documents to OGC if the PIO has a question regarding the applicability of an exception to disclosure under the Act.

3.3. If the PIO determines, through consultation with OGC, the requested information is public, the PIO shall promptly produce to the requestor a copy of the information or produce the information for inspection.

3.4. If the information is unavailable within 10 business days after receiving a written request for information, the PIO shall certify this fact in writing to the requestor and set a date and hour, within a reasonable time, when the information will be available. The requestor must respond to any written estimate of charges within 10 business days, starting the date the estimate letter is sent, or the request is considered automatically withdrawn.

#### 4. COST OF PRODUCTION REQUESTS

4.1. If costs associated with fulfilling a request for public information are assessed, associated charges shall not be excessive. Total costs of production will be calculated as provided in the Act.

4.1.1. If estimated costs exceed \$100.00, WTAMU may require a bond, prepayment, or deposit. WTAMU can also require payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from the requestor.

4.2. Public information shall be furnished without charge or at a reduced rate if WTAMU determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Requests for reduced charges should be in writing and addressed to the PIO.

#### 5. PUBLIC INFORMATION DECISIONS

5.1. If WTAMU receives a public information request that: 1) it considers to be within one of the Act's exceptions to disclosure; and 2) it wishes to withhold responsive information from public disclosure, a request for decision must be submitted to the Attorney General within 10 business days after receiving the public information request. In some limited circumstances, the Act may permit the withholding of information without seeking an Attorney General decision, e.g. FERPA.

- 5.2. The PIO will segregate responsive public information from the information submitted to the Attorney General and will promptly produce the public information to the requestor.
- 5.3. The PIO shall immediately submit information to OGC for review and for preparation of the Attorney General decision request, including the following:
  - 5.3.1. A copy of the written public information request, and information showing when the request was first received.
  - 5.3.2. Information showing who first received the request.
  - 5.3.3. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested.
  - 5.3.4. A list of all departments that were requested by the PIO to provide responsive information, and what departments provided the information.
- 5.4. If the PIO determines a decision is required, OGC will prepare and submit the decision request and the information to the Attorney General.
- 5.5. OGC will notify the WTAMU PIO when the Attorney General's decision is received.
- 5.6. The PIO, in consultation with OGC, must as soon as practical but within a reasonable period of time after the date the Attorney General issues a decision:
  - 5.6.1. Provide the information to the requestor if it is required to be produced;
  - 5.6.2. Notify the requestor in writing that the member is withholding the information as authorized by the decision;
  - 5.6.3. Or take other action authorized by the Act.

## 6. EMPLOYEE PUBLIC INFORMATION REQUESTS

- 6.1. Texas A&M University System employees are not authorized to submit public information requests while acting in their official capacity. Any public information request made by an employee must be submitted in that employee's individual capacity as a private citizen.
- 6.2. The willful misuse of information received through the Act may subject the employee to the loss of individual indemnification by the state. This regulation does not affect employees' access to information in their official personnel files.

## 7. Annual System Member Compliance Certification

7.1. Not later than the last business day of September, WTAMU must annually submit a Public Information Act Compliance Certification to OGC for the prior fiscal year. The certification will be consistent with the form linked in System regulation 61.01.02.

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## **Related Statutes, Policies, or Requirements**

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[1 Tex. Admin. Code Ch. 70, Cost of Copies of Public Information](#)  
[Tex. Gov't Code Ch. 552](#)  
[Attorney General's Open Government website](#)  
[Attorney General's Public Information Act Handbook](#)  
[Attorney General's Public Information Act Sign](#)  
[System Policy 33.04, Use of System Resources](#)  
[System Policy 61.01, Public Information Act Compliance](#)  
[System Regulation 61.99.01, Retention of State Records](#)

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## **Definitions**

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Definitions are as described in the current version of the Texas Government Code, Chapter 552

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## **Appendix**

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## **Revision History**

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Revised January 12, 2015

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**Contact Office**

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Risk and Compliance  
(806) 651-2730

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**Approval Office**

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Office of the President  
(806) 651-2100

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**Approval Signature**

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02/03/2025

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President/CEO

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Date