

## HOW TO COMPOSE A TEXAS PUBLIC INFORMATION REQUEST\*

Texas Government Code, Chapter 552, gives anyone the right to access government records from state and local governments in Texas, excluding the judiciary<sup>†</sup>. All government information is presumed to be available to the public and officers for public information and their agents may not ask why someone wants a particular document. Governmental bodies shall promptly release requested information that is not confidential by law. However, certain exceptions may apply to the disclosure of the information.

- Submit a request by mail, fax, email, or in person. Each governmental body must have a designated "Public Information Officer" who can tell you how to submit your request. If for some reason they do not have a Public Information Officer, submit your request to the head of the government agency.
- The governmental agency is required to produce requested information within **10 business days** of your request.

### The Requestor's Obligations

- The requestor may choose whether to inspect the requested information (most often at no charge), receive copies of the information or both.
- The requestor should keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.

### The Cost of Records

- The requestor will receive a written statement of estimated charges, when charges will **exceed \$40**, in advance of work being started and an opportunity to modify the request in response to the itemized statement.
- The requestor must respond to any written estimate of charges within **10 business days** of the date the governmental body sent it or the request is considered automatically withdrawn.

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\* The information contained in this outline was gathered from the Attorney General of Texas website at [www.oag.state.tx.us/opinopen/og\\_faqs.shtml](http://www.oag.state.tx.us/opinopen/og_faqs.shtml)

<sup>†</sup> TEX. GOV'T CODE ANN. § 552.001-.353 (West, Westlaw through 2006 Sess.). The text of Texas Government Code, Chapter 552, can be found online at [www.oag.state.tx.us/newspubs/publications.shtml#open](http://www.oag.state.tx.us/newspubs/publications.shtml#open). Click on 2006 Public Information Act Handout.

- If estimated costs **exceed \$100.00** (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit.
- The requestor may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a *waiver or reduction of charges*.

**Exceptions: Information That May be Withheld**

- If the governmental body believes the information requested is exempt from disclosure, it has **10 business days** after it receives the written request to:
  - Request an Attorney General opinion and state which exceptions apply;
  - Notify the requestor of the referral to the Attorney General; and
  - Notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General opinion and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- The requestor may receive a copy of the communication from the governmental body asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy.
- The Attorney General must issue a decision no later than the **45<sup>th</sup> working day** from the day after the Attorney General received the request for a decision. The Attorney General may request an additional 10 working day extension.

Additional information on the Texas Open Records Act can be found at:  
[www.oag.state.tx.us/opinopen/og\\_faqs.shtml](http://www.oag.state.tx.us/opinopen/og_faqs.shtml).

*(Also, as Ann commented at our meeting, there is a hotline to provide answers that aren't available above: (512) 478-6736 or toll free at (877) 673-6839. – Added by Laura Morrison)*

## EXAMPLE

DATE

Mr./Ms. Public Information Officer / head of governmental body  
Governmental Body  
Address  
City, TX, ZIP

Dear Public Information Officer,

Pursuant to the *Texas Public Information Act*, I write to request the following information:

1. xxxx
2. yyyy
3. zzzz

If possible, please provide this information in electronic format.

Because the xxxxx is a nonprofit organization and the information that we request will primarily benefit the general public, we ask that you reduce or waive charges for this information.

Thank you in advance for your time and attention. Please do not hesitate to contact me if you have questions or concerns about this request.

Sincerely,  
The Requestor  
Full contact information