



Administrative Procedure
Guidelines for Responding to Requests for Public Information

AP No.

2-9

Effective Date:

Upon Approval

1. STATEMENT

This administrative procedure establishes the City's guidelines for responding to requests for public information.

2. PURPOSE

The purpose of this administrative procedure is to set forth clear guidelines for the efficient processing of requests for information under the Texas Public Information Act (the "TPIA").

3. SCOPE

This administrative procedure applies to all City departments, including the office of the Mayor, the City Controller, all Council Members, and each City Board and Commission.

4. DEFINITIONS

Department or office means each City department, the office of the Mayor, the office of the City Controller, each Council Member's office, and each Board and Commission.

Public Information means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

- (1) by the City;
- (2) for the City and the City owns the information, has a right of access to the information, or spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
- (3) by an individual officer or employee of the City in the officer or employee's official capacity and the information pertains to official business of the City.

Public information includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business of the City.

Request for Public Information means a written request for public information received by the City.

- (1) The request for public information does not need to refer to the TPIA or be addressed to the public information officer.
- (2) A verbal request for public information does not trigger the TPIA's requirements; thus, requestors should be advised to submit requests for public information in writing.

5. PUBLIC INFORMATION OFFICERS

5.1 Delegation of Authority – The Mayor is the City's officer for public information and the custodian of all City records. The Mayor hereby delegates his/her authority under the TPIA to the appropriate Public

Approved:

Handwritten signature of Sylvester Turner.

Date Approved:

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Information Officer (“PIO”) as defined below.

5.2 Public Information Officer

5.2.1 The Mayor’s Director of Communications shall be the PIO for the office of the Mayor, including all divisions of the office of the Mayor.

5.2.2 Each department director is the PIO for his/her respective department.

5.2.3 The City Controller is the PIO for the office of the City Controller.

5.2.4 Each Council Member is the PIO for the respective Council Member’s office.

5.3 Designated Public Information Officer - A PIO may designate one or more employees in his/her department who are familiar with the records created and/or maintained by the department to serve as the designated PIO(s) for the department.

5.3.1 Each PIO shall promptly notify the General Counsel Section of the City Attorney’s Office and the Mayor’s Director of Communications of such designation or of any change in a designation.

5.3.2 Notwithstanding such designation, the PIO retains ultimate responsibility for his/her respective department’s full compliance with the TPIA.

5.4 Training – Each PIO or designated PIO shall complete the training required by the TPIA not later than 90 days after the date the PIO assumes his/her duties. After completing the training required by the TPIA, each PIO or designated PIO shall maintain his/her completion certificate and make it available for public inspection.

5.5 The City’s webmaster shall post the contact information of all PIOs on the City’s website and maintain a “Public Information Requests” link to this contact information on the City’s homepage. Each PIO is responsible for providing his/her contact information to the City’s webmaster and ensuring that his/her contact information is accurate on the City’s website.

6. GENERAL RESPONSIBILITIES OF A PUBLIC INFORMATION OFFICER

6.1 Each PIO shall:

6.1.1 Ensure that all incoming packages, mail, e-mail and faxes are checked daily prior to the close of business, at a minimum, to ensure that requests for public information are processed immediately.

6.1.2 Review and process all requests for public information promptly and uniformly, giving equal treatment to all requestors.

6.1.3 Provide or make available for public inspection or reproduction information not excepted from disclosure, redact information required by law, assess appropriate cost charges, and protect public information from deterioration, alteration, mutilation, loss or unlawful removal.

6.1.4 Ensure that the employees in his/her department are generally educated about the TPIA and, in particular, the requirements in sections 7.1 and 7.2 of this procedure.

6.2 Upon receipt of a request for public information, a PIO shall promptly:

6.2.1 Record the date and time the request for public information was received.

- 6.2.2 Determine if his/her department is the proper custodian of the requested records; if his/her department is not the proper custodian, the PIO shall handle the request for public information in accordance with sections 7.1 and 7.2 of this procedure.
- 6.2.3 Notify his/her immediate supervisor and department director of requests for public information that implicate the PIO's own records and provide the immediate supervisor and department director with a copy of the request.
- 6.2.4 Contact the requestor to seek clarification of unclear requests for public information and/or the narrowing of broad requests for public information. Such clarification must be confirmed in writing.
- 6.2.5 Coordinate the locating and gathering of responses to requests for public information submitted to his/her department, including contacting members of his/her department who may reasonably possess the requested information.
- 6.2.6 Notify the Mayor's Director of Communications and/or other appropriate department contact of requests that may have public relations significance.
- 6.2.7 Review responsive information to determine if the department has any concerns about release of the information.
- 6.2.8 Consult the Legal Department if the PIO has questions on whether certain information should be disclosed or withheld under the TPIA and, if information should be withheld, forward the request for public information and the responsive information to the Legal Department.

6.3 A PIO may not inquire into the purpose for which the requested information will be used or make other inquiry of a requestor, except as provided in section 6.2.4 of this procedure or other applicable law.

7. RECEIVING, REFERRING AND PROCESSING REQUESTS FOR PUBLIC INFORMATION

7.1 Mail or Hand-delivered Requests– Any City employee or official who receives a written request for public information via regular mail or hand-delivery must forward it immediately to the employee or official's department PIO. If the PIO determines that his/her department is not the custodian of the requested records, the PIO shall immediately forward the request to the PIO of the department that is the proper custodian of the requested records.

7.2 E-mail and Facsimile Requests– To be valid, a request for public information made by e-mail or facsimile transmission must be sent directly by the requestor to the Mayor (or the PIO of the office of the Mayor) or to the PIO whose department is the proper custodian of the requested information.

7.2.1 Any City employee or official who receives an e-mail or facsimile request for public information must forward it immediately to the employee or official's department PIO or inform the requestor of the appropriate PIO to contact in order to make a valid request for public information.

7.2.2 With the exception of the office of the Mayor, a PIO who receives a request for public information via e-mail or facsimile and whose department is not the proper custodian of the requested records shall notify the requestor that the department is not the proper custodian of records and which department is the likely custodian of the requested records.

7.2.3 The office of the Mayor, as the custodian of all City records shall promptly forward any requests for public information received via e-mail or facsimile to the appropriate department that is the custodian of requested records.

7.3 Request by a City employee or official – A request by a City employee or official in his/her official capacity and for official City business is generally not considered a request for public information and is not subject to this procedure. If in doubt, a PIO should consult the Legal Department.

7.4 Request by another Texas governmental agency – Unless otherwise provided by the City Attorney, a request for information by a Texas State agency (including a state university) or political subdivision of this state shall not be considered a request for public information under this procedure and shall be treated as an intergovernmental transfer. The following statement shall be included with each intergovernmental transfer:

The City of Houston provides this information as an intergovernmental transfer to [insert name of entity] for its official use. The transfer does not constitute a disclosure of information to the public and does not waive exceptions to disclosure under the Texas Public Information Act. Please notify [insert name and contact information of PIO] as soon as possible should you receive a request by a member of the public to copy or inspect this information.

7.5 Request by a federal agency – Unless otherwise provided by the City Attorney, a request for public information by a federal agency shall be processed in accordance with this procedure.

7.6 Copyrighted records – If the requested information is copyrighted, the PIO shall allow the records to be inspected, but shall not furnish copies or use any City equipment or resources to make copies or duplicate in any way copyrighted records. A requestor may use his/her own equipment to copy or duplicate copyrighted records provided such copying or duplication does not disrupt working conditions, present a safety hazard, or interfere with other persons' rights to inspect or copy records.

7.7 Request for electronic records – Any department that receives a request for electronic records (including e-mail) should conduct a thorough search of its records to determine whether the department has any responsive records, including, but not limited to, searching an employee's physical files or computer hard drive(s) or retrieving information from the department's server(s). The department should fully conduct an internal search of its electronic records prior to seeking assistance from Houston Information Technology Services (HITS). Assistance from HITS should be limited to instances in which the department no longer has access to the responsive information.

7.8 Liberal interpretation of the TPIA – PIOs should avoid an overly technical reading of a request for public information. Instead, a PIO shall make a good faith effort to relate information that is requested to information that the department holds. A department is not required to create a new record if one does not exist. However, in instances where a request asks for documents or information that are not organized or retrievable by the type of information or in the manner that is requested, and the department could provide this information by making a simple computer search or other basic task, the PIO should make such an effort to produce the information. But, if providing the information will require extensive research or considerable manipulation of data, the department is under no obligation to take such action. Instead, the PIO should notify the requestor of the format in which the information is currently available and include a cost estimate for providing the information in the format that meets the requestor's preference.

8. CHARGES

8.1 Unless provided otherwise by law or as otherwise provided in this procedure, all departments furnishing public information under this procedure shall charge and collect fees based upon the cost rules promulgated by the Texas Attorney General. The PIO is encouraged to consult with the Texas Attorney General's Cost Hotline on questions concerning charges for providing public information.

8.2 The Mayor, the Mayor's Director of Communications, or the City Attorney may waive or reduce charges for public information if any of these parties determines that releasing the information is in the public interest and will benefit the general public.

8.3 Unless otherwise provided by the Mayor, all funds received from a requestor under this procedure shall be deposited in the general fund.

9. SIGNAGE

Each PIO shall prominently display, in his/her respective department, a sign in the form approved by the Texas Attorney General that contains the basic information about the rights of a requestor, the responsibilities of the City, and the procedures for inspecting or obtaining a copy of public information.

10. PENALTIES

Failure to comply with the provisions of the TPIA may subject the City and individual employees to criminal and civil penalties. Actions that may be considered violations of the TPIA include, but are not limited to, the willful destruction, mutilation, removal without permission, or alteration of public information; the failure or refusal to provide access to or copies of public information; and the intentional disclosure of information considered confidential under the TPIA.

11. CONFLICT, REPEAL AND COMPLIANCE WITH LAWS

11.1 This administrative procedure supersedes Administrative Procedure 2-9, Guidelines for Responding to Requests for Public Information, signed January 12, 2012, which shall be of no further force or effect.

11.2 When provisions of these procedures conflict with a local, state or federal law, the law shall prevail.

12. AUTHORITY

- Texas Public Information Act, Chapter 552, Texas Government Code.