

# Texas Tech University System Regulation 07.01

## Public Records

Approved: September 1, 2022

Next Scheduled Review: April 2027

### 1. Purpose

- a. The Texas Tech University System (“the System”) is committed to compliance with the letter and the spirit of the Texas Public Information Act (“the Act”) (Texas Government Code, Chapter 552). This Regulation sets out the steps involved in the release of public information and collection of any charges for copies if a request should arise pursuant to the Act. \***Texas Government Code § 552.001, et seq.**

### 2. General Provisions

- a. The Chancellor and the component institutions’ Presidents have designated the Vice Chancellor and General Counsel for the System as the designated Public Information Act Officer for all public records for their institution. The Vice Chancellor and General Counsel is authorized to delegate the duties of the Public Information Act Officer to an attorney(s) within the Office of General Counsel.
- b. A request for public and/or open records must be made in writing and should specify the institution and the records or information sought. E-mailed requests must be sent to [publicinfo@ttu.edu](mailto:publicinfo@ttu.edu) to be considered valid. If a request is received by any employee of the System or any of its components, it shall be forwarded immediately to the Office of General Counsel or by email to [publicinfo@ttu.edu](mailto:publicinfo@ttu.edu). All requests and any questions regarding the Act should be directed to the Office of General Counsel at (806) 742-2155.
- c. A subpoena duces tecum or a discovery request that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Act and is not subject to this procedure. A request for documents related to an institutional hearing is a request for information under the Act.
- d. The appropriate department, at each institution, responsible for maintaining and storing the records requested must find and transmit the requested documents to the Office of General Counsel immediately upon request. The assessment of any charges shall be in accordance with Section 2.b. of this Regulation.
- e. The Office of General Counsel will determine whether the information is public and releasable, nonpublic and not releasable, or whether an Attorney General Opinion should be requested.
- f. If the information is deemed to be public, the Office of General Counsel will determine whether the records will be made available for inspection and copying by the requestor or reproduced and sent directly to the requesting party and any costs associated with the release.
- g. Failure to comply with the Act and with this Regulation could expose the System, its components, and individual employees to sanctions, including civil and criminal liability. Employees may also face disciplinary action by the System or their institution. Actions that

destruction, removal, 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 Act.

h.

- g. The charges outlined herein do not apply to any publication that is compiled and printed by or for the System for public dissemination. In such case, the System may determine the appropriate charge, if any, for providing the publication.
- h. The Act provides that all information collected, assembled, or maintained by governmental bodies is public information and available to the public during normal business hours, unless



## APPENDIX A

**APPENDIX B**

**CHARGES FOR REQUESTED RECORDS AND INFORMATION**

A. Charges for copying requested records and information shall be made in accordance with the following schedule:

(1) A charge of less than \$40 will not be made for copying and supplying records and/or information. However, if an individual requestor submits separate requests on the same day, the Office of General Counsel may accumulate such individual charges into a single billing provided it is \$40 or greater.

(2) Standard-size Copy

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(7) Remote Document Retrieval Charge

Due to limited on-site capacity of storage for documents or due to offsite storage of data, it frequently is necessary for departments to store information that is not in current use in remote storage locations. To the extent that retrieval of documents in remote locations results in a cost to the department or office to comply with the request, it is permissible for an assessment to recover costs of such services. Only personnel time outlined in compliance with the definition of “readily available information” in subsection (2) on standard-



(12) Sales Tax

Sales tax will not be added on charges for public information.

B. Access to Information Where Copies Are Not Requested

- (1) No charge should be assessed for making available for inspection any public information maintained in a standard paper record, except as follows:
  - a. The governmental body may charge to make a copy of the page from which information must be redacted. **\*Texas Administration Code § 70.5.**
  - b. The governmental body has 16 or more employees and the information requested takes more than 5 hours to prepare for inspection; and
    1. is older than five years; or
    2. Completely fills six or more archival boxes. **\*Texas Administration Code § 70.5. \* Texas Government Code § 552.271**
- (2) In addition, no charge should be assessed for inspection of an electronic record unless complying with the request will require programming or manipulation of data. Redacting protected information in electronic records is manipulation of data. **\*Texas Government Code § 552.272.**
- (3) Please note that institutions of higher education are required to comply with the Family Educational Rights and Privacy Act (FERPA), thus, the System and its components have many documents that must be redacted prior to release in order to protect student privacy.
- (4) The requestors must complete the viewing of information within 10 days after the information is made available. This time may be extended an additional 10 days two times upon written request if the request for extension is received during the original time period or the extended time period, as applicable.

C. Fees for Obtaining Copies of Body Worn Camera Recordings of a Law Enforcement Officer

- (1) In the event a request is properly made for body worn cameras pursuant to **Occupations Code § 1701.661**, the charge for obtaining a copy of a body worn camera recording shall be:
  - a. \$10.00 per recording responsive to the request for information; and
  - b. \$1.00 per full minute of body worn camera video or audio footage responsive to the request for information.

D. Required Itemized Estimate of Charges.

