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Note: For forms prescribed by the attorney general, see the [Attorney General's Public Information website](#).¹

**Officer for Public
Information and
Required Sign**

Officer and Agents

The superintendent of a district is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with Government Code Chapter 552 (Public Information Act [PIA]).

Duties

The officer is responsible for the release of public information as required by the Public Information Act. Subject to penalties provided by the Public Information Act, the officer for public information shall:

1. Make public information available for public inspection and copying;
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. Repair, renovate, or rebind public information when necessary to maintain it properly; and
4. Make reasonable efforts to obtain public information from a temporary custodian if:
 - a. The information has been requested from the district;
 - b. The officer is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
 - c. The officer is unable to comply with the duties imposed by the Public Information Act without obtaining the information from the temporary custodian; and
 - d. The temporary custodian has not provided the information to the officer or the officer's agent.

The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

Gov't Code 552.201(a)-.204; Keever v. Finlan, 988 S.W.2d 300 (Tex. App.—Dallas 1999, pet. dism'd) (a district's chief administrative officer is the superintendent)

Training

This provision applies to an elected or appointed board member and the officer for public information.

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Each person shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the district and its board members and employees under the Public Information Act not later than the 90th day after the date:

1. The board member takes the oath of office; or
2. The officer for public information assumes duties as officer for public information.

A public information coordinator who is primarily responsible for administering the responsibilities of the board under the Public Information Act and designated for board members to satisfy the training requirement of this provision shall complete the training course regarding the responsibilities of the board and district employees under the PIA not later than the 90th day after the date the coordinator assumes the person's duties as coordinator. [See BBD, CPC(LOCAL)]

Designation of a public information coordinator does not relieve a board member from the duty to comply with any other requirement of the Public Information Act that applies to the board member.

A district shall maintain and make available for public inspection the record of its board members' or, if applicable, the public information coordinator's completion of the training.

Gov't Code 552.012(a)-(c), (e)

Training After
Failure to Comply

The attorney general may require each elected or appointed board member and the officer for public information of a district to complete the course of training if the attorney general determines that the district has failed to comply with a requirement of the Public Information Act. The attorney general must notify each person in writing of the attorney general's determination and the requirement to complete the training. A person who receives notice from the attorney general under this provision must complete the training not later than the 60th day after the date the person receives the notice. *Gov't Code 552.012(a),(b-1)*

PIA Sign

The officer for public information shall prominently display a sign (PIA sign) in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a district, and the procedures for inspecting or obtaining a copy of public information under the Public Information Act. The officer shall display the sign at one or more places in the district's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and

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2. Employees of the district whose duties include receiving or responding to public information requests.

Gov't Code 552.205(a)

Requests for Public Information

**Method of
Requesting Public
Information**

A person may make a written request for public information only by delivering the request by one of the following methods to the officer for public information or a person designated by that officer:

1. United States mail;
2. Electronic mail;
3. Hand delivery; or
4. Any other appropriate method approved by the district, including facsimile transmission and electronic submission through the district's website.

A district is considered to have approved another method only if the district includes a statement on the PIA sign or the district's website that states a request for public information may be made by that method.

***Designated
Addresses to
Receive
Requests***

A district may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mailing address to any person on request.

A district that posts a designated mailing address or electronic mail address on the district's website or that prints those addresses on the PIA sign is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;
2. By hand delivery; or
3. By a method described above that has been approved by the district.

Gov't Code 552.234(c), (d)

***Optional Request
Form***

The attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the district determines is:

1. Confidential; or
2. Subject to an exception to disclosure that the district would assert if the information were subject to the request.

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A district that allows requestors to use the attorney general's form and maintains a website shall post the form on its website.

Gov't Code 552.235

**District Response to
Requests**

Uniform Treatment

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. *Gov't Code 552.223*

Inquiries by District

The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided below.

*Requests to
Clarify or Narrow*

If what information is requested is unclear to the district, the district may ask the requestor to clarify the request. If a large amount of information has been requested, the district may discuss with the requestor how the scope of the request might be narrowed, but the district may not inquire into the purpose for which the information will be used.

*Additional
Information for
Vehicle Records*

If the information requested relates to a motor vehicle record, the officer for public information or agent may require the requestor to provide additional identifying information sufficient for the officer or agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. In this provision, "motor vehicle record" has the meaning assigned that term by Transportation Code 730.003.

Gov't Code 552.222(a)-(c)

**Statement of
Consequences**

A written request for clarification or discussion or for additional information, as described above, must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information. *Gov't Code 552.222(e)*

*Requestor's
Failure to
Respond*

If by the 61st day after the date the district sends a written request for clarification or discussion or for additional information, as described above, the district, officer for public information, or agent does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

**Exception to
Automatic
Withdrawal**

Except when the requestor's information request was sent by electronic mail, described below, if the requestor's information request included the requestor's physical or mailing address, the request may not be considered to have been withdrawn unless the district or officer for public information or agent sends the request for clarification or discussion or for additional information.

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fication or discussion or for additional information, as described above, to that address by certified mail.

If the requestor's information request was sent by electronic mail, the request may be considered to have been withdrawn if:

1. The district, officer for public information, or agent sends the request for clarification or discussion or the written request for additional information by electronic mail to the same electronic mail address from which the original request was sent or to another electronic mail address provided by the requestor; and
2. The district, officer for public information, or agent does not receive from the requestor a written response or response by electronic mail within the period described by Government Code 552.222(d).

Gov't Code 552.222(d), (f)-(g)

Time for Production
Promptly

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A district may not automatically withhold for 10 business days public information not excepted from disclosure. *Gov't Code 552.221(a); Atty. Gen. ORD 664 (2000)*

Business Day

In the Public Information Act, "business day" means a day other than a Saturday or Sunday, a national holiday, or a state holiday [see below].

Rosh Hashanah, Yom Kippur, or Good Friday are not business days of a district if the officer for public information of the district observes the optional holidays.

The Friday before or Monday after a national or state holiday is not a business day of a district if the holiday occurs on a Saturday or Sunday and the district observes the holiday on that Friday or Monday.

The fact that an employee works from an alternative work site does not affect whether a day is considered a business day.

Locally
Designated
Nonbusiness
Days

A district may designate a day on which the district's administrative offices are closed or operating with minimum staffing as a nonbusiness day. The designation of a nonbusiness day for a district must be made by the board. A district may designate not more than 10 nonbusiness days under this subsection each calendar year.

Gov't Code 552.0031(a)-(c), (e)-(f), 662.003(c)

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National
Holidays

A national holiday includes only the following days:

1. The first day of January, "New Year's Day";
2. The third Monday in January, "Martin Luther King, Jr., Day" in observance of the birthday of Dr. Martin Luther King, Jr.;
3. The third Monday in February, "Presidents' Day";
4. The last Monday in May, "Memorial Day";
5. The fourth day of July, "Independence Day";
6. The first Monday in September, "Labor Day";
7. The 11th day of November, "Veterans Day," dedicated to the cause of world peace and to honoring the veterans of all wars in which Texans and other Americans have fought;
8. The fourth Thursday in November, "Thanksgiving Day"; and
9. The 25th day of December, "Christmas Day."

State Holidays

A state holiday includes only the following days:

1. The 19th day of January, "Confederate Heroes Day," in honor of Jefferson Davis, Robert E. Lee, and other Confederate heroes;
2. The second day of March, "Texas Independence Day";
3. The 21st day of April, "San Jacinto Day";
4. The 19th day of June, "Emancipation Day in Texas," in honor of the emancipation of the slaves in Texas in 1865;
5. The 27th day of August, "Lyndon Baines Johnson Day, in observance of the birthday of Lyndon Baines Johnson;
6. The Friday after Thanksgiving Day;
7. The 24th day of December; and
8. The 26th day of December.

Gov't Code 662.003(a)-(b)

*Certifications of
Availability*

If an officer for public information cannot produce the public information for inspection or duplication within 10 business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

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If the requested information is unavailable at the time of the request to examine because it is in storage or active use, an officer for public information 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 for inspection or duplication.

Gov't Code 552.221(c), (d)

*Administrative
Offices Closed*

Unless the district has initiated a temporary suspension of the Public Information Act during a catastrophe [see below], if a district closes its physical offices, but requires staff to work, including remotely, then the district shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application while its administrative offices are closed.

Failure to respond to requests may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from disclosure.

Gov't Code 552.2211

Methods of
Production

An officer for public information complies with the requirement to promptly produce public information by:

1. Providing the information for inspection or duplication in the offices of a district. The Public Information Act does not authorize a requestor to remove an original copy of a public record from the office of a district;
2. Sending copies of the information by first class United States mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see Authorized Costs and Charges, below]; or
3. Referring a requestor to an exact internet location or uniform resource locator (URL) address on a website maintained by the district and accessible to the public if the requested information is identifiable and readily available on that website. If the person requesting the information prefers a manner other than access through the URL, the district must supply the information in the manner described above at items 1 and 2.

If the officer for public information provides by email an internet location or URL address as permitted by item 3, above, the email must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by

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receipt through United States mail, as described above at items 1 and 2.

Gov't Code 552.221(b)-(b-2), .226

Inspection and
Duplication
Procedures

A district may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the Public Information Act. *Gov't Code 552.230*

The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the Public Information Act. *Gov't Code 552.224*

*Time For District
to Provide Copies*

It shall be a policy of a district to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code 552.228(a)*

*Time for
Requestor to
Appear and
Complete
Inspection*

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in district offices on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.

A requestor must complete the examination of the information not later than the 10th business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within 10 business days and does not file a request for additional time under Government Code 552.225(b) (described below), the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall extend an additional examination period by another 10 business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov't Code 552.221(e), .225

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Electronic Data

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. A district shall provide a copy in the requested medium if:

1. The district has the technological ability to produce a copy of the information in the requested medium;
2. The district is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the district and a third party.

If a district is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the district shall provide a copy in another medium that is acceptable to the requestor. A district is not required to copy information onto a diskette or other material provided by the requestor but may use district supplies.

Gov't Code 552.228(b), (c)

Requests Requiring
Programming or
Data Manipulation

*Written
Statement
Required*

A district shall provide to a requestor a written statement, described below, if the district determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
 - a. Compliance with the request is not feasible or will result in substantial interference with operations; or
 - b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the

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rules established by the attorney general under Government Code 552.262; and

5. A statement of the anticipated time required to provide the information in the requested form.

*Time For
Programming or
Manipulation
Statement*

A district shall provide the written statement to the requestor within 20 days after the date the district receives the request. The district has an additional 10 days to provide the statement if the district gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

*Requestor Reply
Required*

On providing the written statement described above, the district does not have any further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the district to provide the information in the requested form according to the cost and time parameters set out in the written statement or according to other terms to which the requestor and the district agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement to the district, the requestor is considered to have withdrawn the request for information.

*Processing
Procedures and
Recordkeeping*

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A district shall maintain a file containing all written statements issued concerning responding to requests for information that require programming or manipulation of data in a readily accessible location.

Gov't Code 552.231

*Repetitious or
Redundant
Requests*

A district that determines a requestor has made a request for information for which the district has previously furnished or made copies available to the requestor on payment of applicable charges must respond to the request, in relation to the information for which copies have already been furnished or made available, except that:

1. The district is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The district is not required to comply with these provisions in relation to information that the district simply furnishes or makes available to the requestor again in accordance with the request.

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Gov't Code 552.232(a)

These provisions do not apply to information not previously furnished to a requestor or made copies available to the requestor on payment of applicable charges.

A request by the requestor for information for which copies have not previously been furnished or made available to the requestor, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not exist at the time of an earlier request shall be treated in the same manner as any other request for public information under the Public Information Act.

Gov't Code 552.232(d)

*Certification of
Previous
Production*

A district shall certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date the district received the requestor's original request for that information;
3. The date the district previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or agent making the certification.

A charge may not be imposed for making and finishing this certification.

Gov't Code 552.232(b), (c)

**Withholding
Excepted
Information**

Request for
Attorney General
Decision Required

A district that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under Government Code Chapter 552, Subchapter C [see GBA] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Request for Attorney General Decision Not Required, below]. *Gov't Code 552.301(a)*

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*Consequences of
Missed Deadlines*

If a district does not request an attorney general decision and provides the requestor with the information required by Government Code 552.301(d) and (e-1) [see Information to Requestor, below], the information requested in writing is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.302*

*Electronic
Submission*

A district that requests an attorney general decision must submit the request through the attorney general's designated electronic filing system. This requirement does not apply if:

1. The district has fewer than 16 full-time employees;
2. The district is located in a county with a population of less than 150,000;
3. The amount or format of responsive information at issue in a particular request makes use of the attorney general's electronic filing system impractical or impossible; or
4. The request is hand delivered to the office of the attorney general.

Gov't Code 552.3031(a)-(b)

*Request and
Submissions to
Attorney General*

The district must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the written request.

When a district requests an attorney general decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
2. A copy of the written request for information;
3. A signed statement as to the date on which the written request for information was received by the district or evidence sufficient to establish that date; and
4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. The district shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

Gov't Code 552.301(b), (e)

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*Information to
Requestor*

A district that requests an attorney general decision shall provide to the requestor within a reasonable time but not later than the 10th business day after the date of receiving the requestor's written request:

1. A written statement that the district wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and
2. A copy of the district's written communication to the attorney general asking for the decision. If a district's written communication to the attorney general discloses the requested information, the district shall provide a redacted copy of that written communication.

The district shall send a copy of the comments to the requestor not later than the 15th business day after the district receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code 552.301(d), (e-1)

*Calculating
Timeliness*

For the purposes of Government Code Chapter 552, Subchapter G (Attorney General Decisions), if a district receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by the district on the third business day after the date of the postmark on a properly addressed request. *Gov't Code 552.301(a-1)*

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the district submits the document through the attorney general's designated electronic filing system within that period. This provision does not affect the right of a district to submit information to the attorney general by specified methods of mail under Government Code 552.308.

When the attorney general is required to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the attorney general electronically transmits the document within that period.

For information surrendered or returned to a district by a temporary custodian, the district is considered to receive the request for that

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information on the date the information is surrendered or returned to the district. [See GB]

Gov't Code 552.233(d), .309

Except as required by Government Code 552.031 (electronic submission [see above]), when the attorney general decision process requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or
2. The person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

Gov't Code 552.308

*Third Party
Privacy or
Property Interests*

In a case in which information is requested under the Public Information Act and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), a district may decline to release the information for the purpose of requesting a decision from the attorney general.

*Third Party
Submissions*

A person whose interests may be involved as described above, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. A district may, but is not required to, submit its reasons why the information should be withheld or released. The proprietary information exception to disclosure provided by Government Code 552.1101(a) may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the interests of the vendor, contractor, potential vendor, or potential contractor.

Gov't Code 552.305(a)-(c), .1101(c)

*Notice to Third
Party*

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.113 (geological or geophysical information), 552.131

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(economic development information), or 552.143 (investment information), a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request. The notice must:

1. Be in writing and sent within a reasonable time not later than the 10th business day after the district receives the request for information; and
2. Include:
 - a. A copy of the written request for information, if any, received by the district; and
 - b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the 10th business day after the person receives the notice:
 - (1) Each reason the person has as to why the information should be withheld; and
 - (2) A letter, memorandum, or brief in support of that reason.

A person who submits a letter, memorandum, or brief to the attorney general under this provision shall send a copy of that letter, memorandum, or brief to the person who requested the information from the district. If the letter, memorandum, or brief submitted to the attorney general contains the substance of the information requested, the copy of the letter, memorandum, or brief may be a redacted copy.

Gov't Code 552.305(d), (e)

*Requests for
Contracting
Information Not
Maintained by the
District*

"Contracting information" means the following information maintained by a district or sent between a district and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a district;
2. Solicitation or bid documents relating to a contract with a district;
3. Communications sent between a district and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;
4. Documents, including bid tabulations, showing the criteria by which a district evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation

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and, if applicable, an explanation of why the vendor or contractor was selected; and

5. Communications and other information sent between a district and a vendor or contractor related to the performance of a final contract with the district or work performed on behalf of the district.

Gov't Code 552.003(1-a)

Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a district that:

1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the district; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

Government Code 552.371 applies to a written request for public information received by a district that is party to a contract described above for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the district.

Gov't Code 552.371(a), (b)

District Request
to Contracting
Entity

A district that receives a written request for contracting information shall request that the entity provide the information to the district. The district must send the request in writing to the party not later than the third business day after the date the district receives the written request. *Gov't Code 552.371(c)*

Requesting
Decision About
Contracting
Information

A district's request for an attorney general's decision to determine whether contracting information not maintained by the district falls within an exception to disclosure under the Public Information Act is considered timely if made not later than the 13th business day after the date the district receives the written request described above. *Gov't Code 552.371(d)(1)*

The statement and copy described above [see Information to Requestor] is considered timely if provided to the requestor not later than the 13th business day after the date the district receives the written request. *Gov't Code 552.371(d)(2)*

A submission and copy described above [see Request and Submissions to Attorney General] is considered timely if sent not later than the 18th business day after the date the district receives the written request. *Gov't Code 552.371(d)(3), (4)*

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The presumption that information is subject to disclosure for failing to comply with Government Code 552.301 [see Request and Submissions to Attorney General, above] does not apply if a district:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain contracting information not maintained by the district;
2. Is unable to meet a deadline because the contracting entity failed to provide the information to the district not later than the 13th business day after the date the district received the written request for the information; and
3. Complies with all notice requirements not later than the eighth business day after the date the district receives the information from the contracting entity.

Gov't Code 552.371(e)

Nothing in Government Code 552.371 affects the deadlines or duties of a district related to requesting an attorney general opinion regarding contracting information the district maintains. *Gov't Code 552.371(f)*

Request for
Attorney General
Decision Not
Required

*Previous
Determinations*

Same
Information

A district must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Government Code Chapter 552, Subchapter C if the district has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not excepted by Subchapter C. *Gov't Code 552.301(f)*

Categories of
Previously
Determined
Information

A district may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district;
2. The previous decision concludes that the category of information is or is not excepted from public disclosure;
3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies, such as the district, to which the decision

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applies may withhold the information without the necessity of seeking a decision from the attorney general.

Atty. Gen. ORD 673 (2001)

A district that relies on a previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying. *Atty. Gen. ORD 684 (2009)*

When Request
Is Allowed for
Previous
Determination

A district may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the Public Information Act concerning the precise information at issue;
2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and
3. The parties agree to dismiss the lawsuit.

Gov't Code 552.301(g)

**Response After
Attorney General
Decision**

A district shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion regarding information requested under the Public Information Act:

1. Provide the requestor of the information an itemized estimate of charges for production of the information if the estimate is required by Government Code 552.2615;
2. If the requested information is voluminous:
 - a. Take the following actions if the district determines that it is able to disclose the information in a single batch:
 - (1) Provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the district to produce the information within a reasonable period of time;
 - (2) Include in the notice the date and hour that the district will disclose the information to the requestor, which may not be later than the 15th business day after the date the district provides the notice; and
 - (3) Produce the information at the date and time included in the notice; or

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- b. Take the following actions if the district determines that it is unable to disclose the information in a single batch:
 - (1) Provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the district to produce the information within a reasonable period of time and in a single batch;
 - (2) Include in the notice the date and hour that the district will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the district provides the notice;
 - (3) Provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the district will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date the district provides the notice; and
 - (4) Produce the requested information at each date and time included in a notice;
3. Produce the information if it is required to be produced;
4. Notify the requestor in writing that the district is withholding the information as authorized by the opinion; or
5. Notify the requestor in writing that the district has filed suit against the attorney general under Government Code 552.324 [see Filing Suit to Challenge Attorney General's Decision, below] regarding the information.

A district is presumed to have complied with the above requirements if the district takes an action regarding information that is the subject of an opinion issued by the attorney general not later than the 30th day after the date the attorney general issues the opinion.

Gov't Code 552.306(c)-(d)

Note: For rules regarding the attorney general's review of redactions, see 1 Administrative Code Chapter 63. For complete cost rules issued by the attorney general, see 1 Administrative Code Chapter 70.

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**Authorized Costs
and Charges**

Attorney General's
Cost Rules

A district shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of producing the information or for making public information that exists in a paper record available for inspection.

A district may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, a district may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the district requests an exemption.

Gov't Code 552.262(a); 1 TAC 70.1(b), .3, .10.

Exemption

A district may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges. The request must be made in writing to the attorney general and must state the reason for the exemption. If a district receives notice from the attorney general that an exemption has been granted, the district may amend its charges according to the attorney general's determination. *Gov't Code 552.262(c)*

Multiple Requests

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A district may not combine multiple requests from separate individuals who submit requests on behalf of an organization. *Gov't Code 552.261(e)*

Charges for
Producing Copies

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead.

50 Pages or Less

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. A connection of two buildings by a covered or open sidewalk, an elevated or underground passageway, or a similar facility is insufficient to cause the buildings to be considered separate buildings.

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*Statement of
Labor Costs*

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

*Accrual of
Charges*

Charges for providing a copy of public information are considered to accrue at the time the district advises the requestor that the copy is available on payment of the applicable charges.

Gov't Code 552.261(a)-(d)

*Deposit or Bond
for Copies*

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (itemized estimate of charges, below); and
2. The charge for providing the copy is estimated by the district to exceed \$100, if the district has more than 15 full-time employees, or \$50, if the district has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

Gov't Code 552.263(a), (b)

*Effect on
Timelines*

For purposes of Government Code Chapter 552, Subchapters F (Charges for Providing Copies of Public Information) and G (Attorney General Decisions), a request for a copy of public information is considered to have been received by the district on the date the district receives the deposit or bond for payment of anticipated costs or unpaid amounts if the officer for public information or agent requires a deposit or bond.

A requestor who fails to make such a deposit or post such a bond for payment of anticipated costs for the preparation of copies before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of public information that precipitated the requirement of the deposit or bond.

Gov't Code 552.263(e), (f)

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Modified Request	If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the district receives the written modified request. <i>Gov't Code 552.263(e-1)</i>
<i>Unpaid Amounts</i>	The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes a district in relation to previous public information requests before preparing a copy of public information in response to a new request, if those unpaid amounts exceed \$100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means.
<i>Documentation of Unpaid Amounts</i>	A district must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure. <i>Gov't Code 552.263(c), (d)</i>
<i>Pre-Payments</i>	A district that receives a request from a requestor to produce public information for inspection or publication or to produce copies of public information in response to a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the district as provided under Government Code 552.261(b) (statement of labor costs, above) may require the requestor to pay the estimated charges for the request before the request is fulfilled. <i>Gov't Code 552.2661</i>
<i>Waivers</i>	A district shall provide a copy of public information without charge or at a reduced charge if the district determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the general public. If the cost to a district of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the district may waive the charge. <i>Gov't Code 552.267</i>
<i>District Publications</i>	Government Code Chapter 552, Subchapter F (charges for providing copies of public information) does not apply to a publication that is compiled and printed by or for a district for public dissemination. If the cost of the publication is not determined by state law, a district may determine the charge for providing the publication. This provision does not prohibit the district from providing the publication free of charge if state law does not require that a certain charge be made. <i>Gov't Code 552.270</i>

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*Copies for
Parents*

A district may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

Charges for
Inspection Without
Copies

If the requestor does not request a copy of public information, a district may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below.

*Copy of Edited
Page*

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, the district may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed.

*Payment,
Deposit, or Bond
for Inspections*

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

Gov't Code 552.271(a)-(c)

Exception for
Certain Small
Districts

If a district has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

*Inspection of
Electronic
Records*

In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, a district shall notify the requestor before assembling the information and provide the requestor with an estimate of charges

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that will be imposed to make the information available [see also Requests Requiring Programming or Data Manipulation, above].

If public information exists in an electronic form on a computer owned or leased by a district and if the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the district-owned or district-leased computer before the information is copied. If such information also requires processing, programming, or manipulation before it can be electronically copied, a district may impose charges.

If information is created or kept in an electronic form, a district is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or by other means.

Gov't Code 552.272

Itemized Estimate
of Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record without requesting copies will result in the imposition of a charge that exceeds \$40, a district shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the district regarding the alternative method. A district must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after a district provides the requestor the itemized statement but before it makes the copy or the paper record available, the district determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the district shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

*Requestor's
Response*

A request for which a district is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the district within 10 business days after the date the statement is sent to the requestor that:

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1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

Actual Charges

If the actual charges exceed \$40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

*No Effect on
Deadlines To
Request Attorney
General Decision*

An original or updated itemized statement is considered to have been sent by a district, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the United States mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on a district for requesting a decision by the attorney general under Government Code Chapter 552, Subchapter G.

Gov't Code 552.2615

**Temporary
Suspension of
Requirements for
Districts Impacted by
Catastrophe**

The requirements of the Public Information Act do not apply to a district that is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of the district to comply with the requirements of the PIA and the district complies with requirements below to elect a suspension period.

"Catastrophe" means a condition or occurrence that directly interferes with the ability of a district to comply with the requirements of the PIA, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;

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3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

“Catastrophe” does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed.

“Suspension period” means the period of time during which a district may suspend the applicability of the requirements of the Public Information Act.

Initial Suspension
Period

A district may suspend the applicability of the Public Information Act to the district for an initial suspension period only once for each catastrophe, which may not exceed seven consecutive days and must occur during the period that:

1. Begins not earlier than the second day before the date the district submits notice to the attorney general; and
2. Ends not later than the seventh day after the date the district submits that notice.

Extension of Initial
Suspension Period

A board may extend an initial suspension period if the board determines that the district is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends.

Maximum
Suspension Period
Per Catastrophe

A board that initiates an initial suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as described above.

The combined suspension period for a district filing for both an initial suspension period and a subsequent extension may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

Upon conclusion of any suspension period the district shall immediately resume compliance with all requirements of the Public Information Act.

Notices to the
Attorney General

A district that elects to suspend the Public Information Act must submit notice to the attorney general that the district is currently impacted by a catastrophe and has elected to suspend the applicability of the PIA during the initial suspension period.

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A board that elects to extend an initial suspension period must submit notice of the extension on the form prescribed by the attorney general.

The notices on the form prescribed by the attorney general must require the district to:

1. Identify and describe the catastrophe that the district is currently impacted by;
2. State the date the initial suspension period determined by the board begins and the date that period ends;
3. If the board has determined to extend the initial suspension period:
 - a. State that the district continues to be impacted by the catastrophe; and
 - b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the office of the attorney general determines necessary.

Notice to the Public

A district that elects to suspend the Public Information Act must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the district is required to post a notice under Government Code Chapter 551, Subchapter C (Notice of Meetings). The district must maintain the notice of the suspension during the suspension period.

**Requests During
Suspension Period**

Notwithstanding another provision of the Public Information Act, a request for public information received by a district during a suspension period is considered to have been received by the district on the first business day after the date the suspension period ends.

**Pending Requests
Tolled**

A request for public information received by a district before the date an initial suspension period begins are tolled until the first business day after the date the suspension period ends.

Gov't Code 552.2325(a)-(j), (l), (m)

**Large or Frequent
Requests**

**Annual Limits on
Personnel Time**

A district may establish reasonable monthly and yearly limits on the amount of time that district employees 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. A yearly time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to a district's fiscal year.

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A monthly time limit may not be less than 15 hours for a requestor for a one-month period.

Request by Minor In determining whether a time limit applies, any time spent complying with a request submitted in the name of a minor, as defined by 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.

Gov't Code 552.275(a), (b), (c)

Written Statement of Cumulative Personnel Time If a district establishes a time limit, each time the district complies with a request for public information, the district shall provide the requestor 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 monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement to the requestor unless the requestor's time limit for the period has been exceeded. *Gov't Code 552.275(d)*

Photo Identification A district may request photo identification from a requestor for the sole purpose of establishing that the requestor has not exceeded a limit established by the district and concealed the requestor's identity.

Statement Required A request for photo identification must include a written estimate of charges applicable to the requestor who has exceeded a limit established by the district and a statement that describes each specific reason why the request for photo identification may apply to the requestor.

Proof or Payment The district shall accept as proof of a requestor's identification physical presentment of photo identification or an image of the photo identification that is transmitted electronically or through the mail. A requestor from whom a district has requested photo identification may decline to provide identification and obtain the requested information by paying the charge assessed in the written estimate.

Gov't Code 552.275(n)-(o)

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Written Estimate of
Charges Beyond
Time Limit

Subject to unpaid cost estimates for large and frequent requests, as described below, if in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the district-established time limit, the district shall 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 must 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 established by rules prescribed by the attorney general under Government Code 552.262(a) and (b).

Additional Time

If a district provides the requestor with written notice that additional time is required to prepare the written estimate, the district must provide the written estimate as soon as practicable, but on or before the 10th day after the date the district provided the notice that additional time was required.

Gov't Code 552.275(e), (f)

Unpaid Cost
Estimate

When a request is made by a requestor who has made a previous request to the district that has not been withdrawn, for which the district has located and compiled documents in response, and for which the district has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, the district is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or withdraws the previous request to which the statement applies.

Gov't Code 552.275(e-1)

*Production Not
Required Until
Payment*

If a district provides a requestor with a written estimate of charges or a written statement regarding photo identification and the district's time limits regarding the requestor have been exceeded, the district is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the district provided the written estimate, the requestor submits payment of the amount stated in the written estimate or provides identification.

If the requestor fails or refuses to provide identification or submit payment, the requestor is considered to have withdrawn the request.

Gov't Code 552.275(g)-(h)

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Exceptions

The provisions above concerning requests that require large amounts of employee or personnel time do not apply if the requestor is:

1. An individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
 - a. Dissemination by a news medium or communication service provider (as defined by Government Code 552.275(m)), including:
 - (1) An individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
 - (2) An individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
 - b. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004.
2. An elected official of the United States, this state, or a political subdivision of this state.
3. A representative of a publicly funded legal services organization that is exempt from federal income taxation under Internal Revenue Code 501(a), as amended, by being listed as an exempt entity under 501(c)(3) of that code.

Gov't Code 552.275(j)-(l)

*No Inspections
for Others Until
Payment*

A requestor who has exceeded a limit established by a district under Government Code 552.275 may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the district under Government Code 552.175(e). *Gov't Code 552.271(e)*

**Filing Suit to
Challenge Attorney
General's Decision**

The only suit a district may file seeking to withhold information from a requestor is a suit that:

1. Is filed in a Travis County district court against the attorney general in accordance with Government Code 552.325, and
2. Seeks declaratory relief from compliance with a decision by the attorney general issued under Government Code Chapter 552, Subchapter G.

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	<p>The district must bring the suit not later than the 30th calendar day after the date the district receives the attorney general's decision determining that the requested information must be disclosed to the requestor. If the district does not bring suit within that period, the district shall comply with the decision of the attorney general.</p>
Exception for Affirmative Defenses	<p>If the district wishes to preserve an affirmative defense for its officer for public information as provided by Government Code 552.353(b)(3), the district must file suit not later than the 10th calendar day after receipt of the attorney general's decision.</p> <p><i>Gov't Code 552.324, .353(b)(3)</i></p>
Suits Over Parent's Request	<p>A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the Public Information Act, and that files suit as described by Government Code 552.324 to challenge a decision by the attorney general, must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general, unless an earlier deadline is established by the Public Information Act.</p> <p>A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. Notwithstanding any other law, a district may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If a district does not bring suit within the period established, the district shall comply with the decision of the attorney general.</p> <p>This provision does not affect the earlier deadline for purposes of Government Code 532.353(b)(3) (exception for affirmative defenses, above) for a suit brought by an officer for public information.</p> <p><i>Education Code 26.0085</i></p>

¹ Office of the Attorney General and the Public Information Act:
<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>