Public Information Defined

For purposes of Government Code Chapter 552 (Public Information Act), "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 a board;
2. For a board and the board:
    a. Owns the information;
    b. Has a right of access to the information; or
    c. 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 a district in the officer's or employee's official capacity and the information pertains to official business of the district.

"Official business" means any matter over which the board or district has any authority, administrative duties, or advisory duties.

Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by an officer or employee of the district in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a district, and pertains to official business of the district.

The definition of "public information" above applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Gov't Code 552.002(a)–(a-2), .003(2-a)

Forms of Public Information

The general forms in which the media containing public information exist include a book, paper, letter, document, email, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

Gov't Code 552.002(b)–(c)

Preservation of Information

A district may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code (Local Government Records Act), governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

Gov't Code 552.004(a), (c) [See BBI, CPC, DH]

Temporary Custodians

"Temporary custodian" means an officer or employee of a district who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer's agent. The term includes a former officer or employee who created or received public information in the officer's or employee's official capacity that has not been provided to the officer for public information or the officer's agent. *Gov't Code 552.003(7)*

Ownership of Public Information

A current or former board member or employee of a district does not have, by virtue of the board member's or employee's position or former position, a personal or property right to public information the board member or employee created or received while acting in an official capacity.

Surrender or Return of Public Information

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the district not later than the 10th day after the date the officer for public information or the officer's agent requests the temporary custodian to surrender or return the information.

Disciplinary Action

A temporary custodian's failure to surrender or return public information as required is grounds for disciplinary action by the district or any other applicable penalties provided by the Public Information Act or other law.

Gov't Code 552.233