SEC. 1. PUBLIC INFORMATION LAW APPLICABLE

With respect to the operation of an open-enrollment charter school, the governing body of a charter holder and the governing body of an open-enrollment charter school are governmental bodies under the Texas public information law. Therefore, any requirement in Chapter 552 of the Texas Government Code or another law that concerns the availability of information that applies to a school district, board of trustees of a school district, or public school students applies equally to an open-enrollment charter school, the governing body of a charter holder, the governing body of an open-enrollment charter school, or students attending an open-enrollment charter school. *Tex. Gov't Code § 12.1051.*

SEC 2. GENERAL PROVISIONS

(a) *Public Information Defined*

For purposes of the Texas Public Information Act ("TPIA"), "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 Texas Leadership Public Schools (TLPS);
2. For TLPS and the school:
   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 TLPS in the officer's or employee's official capacity and the information pertains to official business of TLPS.

Tex. Gov't Code § 552.002(a).

"Official business" means any matter over which TLPS has any authority, administrative duties, or advisory duties. *Tex. Gov't Code § 552.003(2-a)*.

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 TLPS in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of TLPS, and pertains to official business of TLPS. *Tex. Gov't Code § 552.002(a-1)*.

The definition of "public information" 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. *Tex. Gov't Code § 552.002(b)*.

(b) *Forms of Public Information*

The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, 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. *Tex. Gov't Code § 552.002(c)*.

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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.

Tex. Gov't Code § 552.002(b).

(c) ***Business Day Defined***

For purposes of TLPS's compliance with the TPIA, the term "business day" means a day other than:

1. a Saturday or Sunday;
2. a national holiday under the Texas Government Code § 66.003(a); or
3. a state holiday under the Texas Government Code § 662.003(b).

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

If TLPS's officer for public information observes the days on which Rosh Hashanah, Yom Kippur, or Good Friday fall, such day(s) shall not be considered a business day under this policy.

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

The Board may designate a day on which TLPS's administrative offices are closed or operating with minimum staffing as a nonbusiness day for purposes of the TPIA. The Board may designate not more than 10 nonbusiness days under this section each calendar year.
Tex. Gov't Code § 552.0031.

SEC. 3 PRESERVATION OF INFORMATION

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

A current or former TLPS officer or employee who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to TLPS or a school server to be preserved; or
2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under Texas Government Code § 552.004(a).

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The provisions of Chapter 441, Texas Government Code and Title 6, Texas Local Government Code, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian. *Tex. Gov't Code § 552.004(a) (b), (c)*.

a) *Temporary Custodians*

For purposes of the TPIA, a "temporary custodian" means an officer or employee of TLPS 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.

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

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to TLPS no later than the 10th day after the date the officer for public information requests the temporary custodian to surrender or return the information.

A temporary custodian's failure to surrender or return public information as requested by the officer for public information is grounds for disciplinary action by TLPS, or any other applicable penalties authorized by the TPIA or other law. *Tex. Gov't Code §§ 552.003(7), .233*.

b) *Calculating Timelines*

For purposes of requesting an Attorney General determination related to surrendered or returned to TLPS by a temporary custodian, TLPS is considered to have received the request for that information on the date the information is surrendered or returned to TLPS. *Tex. Gov't Code § 552.233(d)*.

SEC. 4. ONLINE MESSAGE BOARD

If the Board maintains an online message board or similar Internet application under Texas Government Code § 551.006, and the Board removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the Board shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with the TPIA. *Tex. Gov't Code § 551.006(d)*.

SEC 5. AVAILABILITY OF PUBLIC INFORMATION

Public information is available to the public, at a minimum, during TLPS's normal business hours. *Tex. Gov't Code § 552.021*.

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SEC 6. OFFICER FOR PUBLIC INFORMATION AND REQUIRED NOTICES

a) *Officer for Public Information*

The Chief Executive Officer/Superintendent or designee shall be TLPS's officer for public information. Each department head shall be an agent of the officer for purposes of complying with the TPIA.

The officer for public information is responsible for the release of public information as required by the TPIA. 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.
4. Make reasonable efforts to obtain public information from a temporary custodian if:
    a. The information has been requested from TLPS;
    b. The officer for public information 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 for public information is unable to comply with the duties imposed by the TPIA without obtaining the information from the temporary custodian; and
    d. The temporary custodian has not provided the information to the officer for public information or the officer's agent.

The officer for public information is not responsible for the use made of the information by the requestor or the release of 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. *Tex. Gov't Code §§ 552.201(a)–.204*.

b) *Sign*

The officer for public information shall prominently display a sign in the form prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of TLPS, and the procedures for inspecting or obtaining a copy of public information under the TPIA. The officer for public information shall display the sign at one or more places in TLPS's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. TLPS employees whose duties include receiving or responding to public information requests.

Tex. Gov't Code § 552.205(a).

SEC. 7. ACCESS TO PUBLIC INFORMATION

(a) *Rules of Access*

TLPS may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the TPIA. *Tex. Gov't Code § 552.230*.

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

(b) ***Method of Making Written Request for Public Information***

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

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

TLPS 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 mail address to any person on request.

If TLPS posts a designated mailing address or electronic mail address on the TLPS website, or if TLPS prints those addresses on the TPIA sign noted in Section 5(b), TLPS 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 that has been approved by TLPS.

Not later than October 1 of each year, the Board shall notify the Attorney General of the current mailing address and electronic mail address designated by the Board for receiving written requests for public information. *Tex. Gov't Code § 552.234*.

(c) ***Inquiry of Requestors***

The officer for public information and agent shall not make an inquiry of a requestor, except to establish proper identification or to ask the requestor to narrow or clarify the request. The officer for public information or 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. 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 TPIA. *Tex. Gov't Code §§ 552.222(a)-(b), .223–.224*.

(d) ***Location of Access***

TLPS complies with a request for public information by:

1. Providing the information for inspection or duplication in TLPS's offices (see "Time for

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Examination, Section 6(g) below); or
2. Sending copies of the information by first class mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Subchapter F of the TPIA (see "Costs and Charges," Section 8(a) below).
3. By referring a requestor to an exact Internet location or uniform resource locator ("URL") address on a website maintained by TLPS and accessible to the public if the requested information is identifiable and readily available on that website. If the requestor prefers a manner other than access through the URL, TLPS must supply the information by sending copies to the requestor, as described above. If the officer for public information provides by e-mail an Internet location or URL address, the e-mail 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 receipt through the United States mail, as described above.

The TPIA does not authorize a requestor to remove an original copy of a public record from TLPS. *Tex. Gov't Code §§ 552.221(b)-(b-2), .226.*

(e) ***Time for Response***

TLPS shall promptly produce public information for inspection, duplication, or both, on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

If TLPS cannot produce the public information for inspection or duplication within 10 business days after the date the information is requested, the officer for public information or designee 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.

If the requested information is unavailable because it is in storage or active use, the officer for public information or designee 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.

If TLPS determines it has no information responsive to a request for information, the officer for public information or designee shall notify the requestor in writing not later than the 10th business day after the date the request is received.

If TLPS determines that requested information is subject to a previous determination that permits or requires TLPS to withhold the requested information, the officer for public information or designee shall, not later than the 10th business day after the date the request is received, notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination TLPS is relying on to withhold the requested information. *Tex. Gov't Code § 552.221.*

(f) ***Requests to Clarify or Narrow***

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

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will be used. *Tex. Gov't Code § 552.222(b)*.

If the request included the requestor's physical or mailing address, TLPS must send the request for discussion or clarification to that address by certified mail. The written request for discussion or clarification must include a statement as to the consequences of failure by the requestor to timely respond. If TLPS does not receive a written response by the 61st day after TLPS sends the written request, the underlying request for public information is considered to have been withdrawn by the requestor. *Tex. Gov't Code § 552.222(f)*.

If the request for public information was sent by electronic mail, the request may be considered to have been withdrawn if:

1. The officer for public information or designee 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 officer for public information or designee does not receive from the requestor a written response or response by electronic mail within the 61st day after TLPS sends the written request for clarification or narrowing.

Tex. Gov't Code § 552.222(g).

(g) *Time for Examination*

A requestor shall 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, the requestor is considered to have withdrawn the request.

TLPS shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files with the officer for public information or designee a written request for additional time. The officer or designee 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 TLPS if the information is needed for use by TLPS. The period of interruption is not considered to be a part of the time during which the person may examine the information.

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of TLPS 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 Texas Government Code, Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.
Tex. Gov't Code §§ 552.221(e), 552.225.

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(h) ***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. TLPS shall provide a copy in the requested medium:

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

If TLPS is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, TLPS shall provide a copy in another medium that is acceptable to the requestor. TLPS is not required to copy information onto a diskette or other material provided by the requestor but may use TLPS supplies. *Tex. Gov't Code § 552.228*.

(i) ***Requests Requiring Programming or Manipulation of Data***

TLPS shall provide the requestor a written statement, described below, if TLPS 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 rules established by the Attorney General; and
5. A statement of the anticipated time required to provide the information in the requested form.

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

After providing the written statement described above, TLPS has no 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 information in the requested form according to the time and cost parameters set out in

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the written statement, or according to other terms to which the requestor and TLPS agree; or
2. Wants the information in the form in which it is available.

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

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. TLPS shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data. *Tex. Gov't Code § 552.231*.

(j) ***Repetitious or Redundant Requests***

If TLPS determines that a requestor has made a request for information for which TLPS has previously furnished or made copies available to the requestor, TLPS may:

1. Respond to the request for information as set forth below, at "Procedures," Section 6(k) below; or
2. Furnish the information, or make the information available to the requestor again in accordance with the request. If TLPS selects this option, TLPS is not required to comply with the procedures described below.

These provisions do not apply to information not previously furnished to a requestor. TLPS shall treat a request for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, in the same manner as any other request for public information. *Tex. Gov't Code §§ 552.232(a), (d)*.

(k) ***Procedures***

TLPS shall, free of charge, 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 TLPS received the requestor's original request for that information;
3. The date TLPS 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.

Tex. Gov't Code §§ 552.232(b), (c).

(l) ***Requests for Contracting Information Not Maintained by TLPS***

TLPS shall comply with the requirements of Texas Government Code § 552.371 with respect to requests for public information related to certain contracts involving at least $1 million in public funds when

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information related to the contract is in the custody or possession of the contracting entity and is not maintained by TLPS. *Tex. Gov't Code § 552.371*.

SEC. 8. ATTORNEY GENERAL DECISIONS

(a) *Request for Attorney General Decision*

If TLPS receives a written request for information that TLPS reasonably considers to be within one of the exceptions to required disclosure and that TLPS wishes to withhold from public disclosure, TLPS shall request a decision from the Attorney General about whether the information is within the exception (see "Submission to Attorney General," Section 7(f) below). For these purposes, the term "written request" includes a request sent by electronic mail or facsimile transmission to the officer or designee. *Tex. Gov't Code § 552.301(a)*.

TLPS shall submit any requests for an Attorney General decision through the Attorney General's designated electronic filing system, unless one of the following circumstances apply:

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

Tex. Gov't Code § 552.3031(a).

(b) *Time for Request*

TLPS must submit the request to the Attorney General not later than the 10th business day after receiving the written request. If TLPS does not timely request a decision from the Attorney General and comply with the requirements at "Statement to Requestor," Section 7(e) below, the information is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Tex. Gov't Code §§ 552.301(b), .302*.

(c) *Calculating Timelines*

For the purposes of requesting an Attorney General decision, if TLPS 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 TLPS on the third business day after the date of the postmark on a properly addressed request. *Tex. Gov't Code § 552.301(a-1)*.

For information surrendered or returned to TLPS by a temporary custodian, TLPS is considered to have received the request for that information on the date the information is returned or surrendered to TLPS. *Tex. Gov't Code § 552.233(d)*.

(d) *Previous Determinations*

Except as set forth at Texas Government Code § 552.301(g), TLPS may not request an Attorney General

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decision if TLPS 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 not within one of the exceptions. This exception applies to specific information that is again requested from TLPS after the Attorney General has previously issued a decision regarding the precise information or records at issue.

TLPS 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 or charter school;
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 not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the Attorney General.

TLPS shall notify the requestor in writing of the decision or ruling upon which it is relying if it relies on any previous determination to withhold information from disclosure.

TLPS may withhold from public disclosure the categories of records listed at Texas Attorney General Open Records Decision 684 (2009).

TLPS may withhold from public disclosure personally identifiable, non-directory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA").

(e) ***Statement to Requestor***

If TLPS requests an Attorney General decision, it 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 TLPS 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 TLPS's written communication to the Attorney General asking for the decision. If TLPS's written communication to the Attorney General discloses the requested information, TLPS shall provide a redacted copy of that written communication.

Tex. Gov't Code § 552.301(d).

(f) ***Submission to Attorney General***

When TLPS 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:

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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 TLPS 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. TLPS shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

TLPS shall send a copy of the comments to the requestor not later than the 15th business day after TLPS 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. *Tex. Gov't Code §§ 552.301(e), (e-1)*.

Unless the information is confidential by law, TLPS may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the Attorney General or a court with jurisdiction. *Tex. Gov't Code § 552.303(a)*.

(g) ***Information to Requestor after Attorney General Decision***

Within a reasonable period of time, not to exceed 30 days, after the date the Attorney General issues an opinion letter, TLPS shall:

1. Provide the requestor an itemized estimate of charges for production if estimate is required under Texas Government Code § 552.2615,
2. If the requested information is able to be disclosed the information in a single batch:
    a. provide a written certified notice to the requestor and the Attorney General that it is impractical or impossible for TLPS to produce the information within a reasonable period of time,
    b. include in the notice the date and hour that TLPS will disclose the information to the requestor, which may not be later than the 15th business day after the date of the notice, and
    c. produce the information at the date and time included in the notice.

    If TLPS determines that that it is unable to disclose the information in a single batch:
    a. provide a written certified notice to the requestor and the Attorney General that it is impractical or impossible for TLPS to produce the information within a reasonable period of time,
    b. include in the notice the date and hour that TLPS will disclose the first batch of information to requestor, which may not be later than the 15th business day after the date of the notice,
    c. provide a written certified notice to the requestor and Attorney General when each subsequent batch of information when each subsequent batch of information is disclosed to the requestor of the date and hour that TLPS will disclose the next batch of information, which may not be later than the 15th business day after the date of the notice, and
    d. produce the information at the date and time included in each notice.
3. Produce the information if it is required to be produced; and
4. Notify the requestor in writing that TLPS is withholding the information as authorized by the

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opinion or that TLPS has filed suit against the Attorney General regarding the information. *Tex. Gov't Code § 552.306*.

(h) ***Additional Information***

If the Attorney General determines that additional information is necessary to render a decision, the Attorney General shall give TLPS and the requestor written notice of that fact. TLPS shall submit the necessary additional information to the Attorney General not later than the seventh calendar day after the date the notice is received. If TLPS does not comply with the Attorney General's request, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Tex. Gov't Code § 552.303(c)-(e)*.

(i) ***Privacy or Property Interests***

If information is requested and a person's privacy or property interests may be involved, including a case under Texas Government Code, Chapter 552.101 (information confidential by law), Chapter 552.110 (trade secrets), Chapter 552.1101 (proprietary information), Chapter 552.114 (student records), Chapter 552.131 (economic development information), or Chapter 552.143 (investment information), TLPS may decline to release the information for the purpose of requesting a decision from the Attorney General. A person whose interests may be involved, or any other person, may submit in writing to the Attorney General the person's reasons why the information should be withheld or released. TLPS may, but is not required to, submit its reasons why the information should be withheld or released. *Tex. Gov't Code § 552.305(a)-(c)*.

(j) ***Notice to Owner of Proprietary Information***

If release of a person's proprietary information may be subject to exception under Texas Government Code, Chapter 552.101 (information confidential by law), Chapter 552.110 (trade secrets), Chapter 552.1101 (Proprietary Information), Chapter 552.113 (geological or geophysical information), Chapter 552.131 (economic development information), or Chapter 552.143 (investment information), TLPS shall, when requesting an Attorney General decision, make a good faith attempt to provide written notice to that person of its request. The notice must:

1. Be sent within a reasonable time not later than the 10th business day after TLPS receives the request for information; and
2. Include:
   a. A copy of any written request TLPS received for the information; 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, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

Tex. Gov't Code § 552.305(d).

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SEC. 9. CHARGES REGARDING TPIA REQUESTS

(a) ***Costs and Charges***

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. The charges shall not be excessive and shall not exceed the actual cost of producing the information or for making public information that exists in a paper record available. Charges for providing a copy of public information are considered to accrue at the time TLPS advises the requestor that the copy is available on payment of the applicable charges.

i. *50 Pages or Fewer*

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information 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. The charge for providing a copy may not include costs of materials, labor, or overhead.

ii. *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.

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. TLPS may not combine multiple requests from separate individuals who submit requests on behalf of an organization.

iii. *Attorney General's Rules*

TLPS 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.

TLPS 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, TLPS may not charge an amount that is greater than 25% more than the amount established by the Attorney General, unless TLPS requests an exemption.

iv. *Exemptions*

TLPS may request that it be exempt from part or all of the rules adopted by the Attorney General for

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determining charges. The request must be made in writing to the Attorney General and must state the reason for the exemption. If TLPS receives notice from the Attorney General that an exemption has been granted, TLPS may amend its charges according to the Attorney General's determination.

v. *Copies for Parents*

TLPS may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Texas Education Code § 26.012.

vi. *Statement of Estimated Charges*

If a request for a copy of public information will result in the imposition of a charge that exceeds $40, TLPS 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 TLPS regarding the alternative method. TLPS must inform the requestor of the responsibilities imposed on the requestor by Texas Government Code § 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Texas Government Code § 552.2615(a).

If, after TLPS provides the requestor the itemized statement but before it makes the copy or the paper record available, TLPS determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20% or more, TLPS 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.

vii. *Requestor's Response*

A request for which TLPS 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 TLPS within 10 business days after the date the statement is sent to the requestor that:

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.

viii. *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% or more the amount estimated in the original itemized statement.

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ix. *Timing of Deadlines*

An original or updated itemized statement is considered to have been sent by TLPS, 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 U.S. 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 TLPS for requesting a decision by the Attorney General under Texas Government Code, Chapter 552, Subchapter G. *Tex. Gov't Code § 552.2615*.

(b) ***Deposit or Bond***

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 Texas Government Code § 552.2615 (see "Statement of Estimated Charges," Section 8(a)(vi) above); and
2. The charge for providing the copy is estimated by TLPS to exceed $100 if TLPS has more than 15 full-time employees, or $50 if TLPS 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. *Tex. Gov't Code § 552.263(a), (b)*.

For the purposes of charging for providing copies of public information or for requesting an Attorney General's opinion, a request for a copy of public information is considered to have been received by TLPS on the date TLPS receives the deposit or bond. *Tex. Gov't Code § 552.263(e)*.

A requestor who fails to make such a deposit or post such a bond before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request. *Tex. Gov't Code § 552.263(f)*.

i. *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 TLPS receives the written modified request. *Tex. Gov't Code § 552.263(e-1)*.

ii. *Unpaid Amounts*

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes TLPS 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

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public information or agent may not seek payment of those unpaid amounts through any other means. *Tex. Gov't Code § 552.263(c)*.

If TLPS receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from TLPS as provided under Texas Government Code § 552.261(b), TLPS may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Tex. Gov't Code § 552.2661*.

iii. *Documentation of Unpaid Amounts*

TLPS 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. *Tex. Gov't Code § 552.263(d)*.

iv. *Waivers*

TLPS shall provide a copy of public information without charge or at a reduced charge if TLPS determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the public. If the cost to TLPS of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, TLPS may waive the charge. *Tex. Gov't Code § 552.267.*

(c) *Government Publications*

The cost provisions described above do not apply to a publication that is compiled and printed by or for TLPS for public dissemination. If the cost of the publication is not determined by state law, TLPS may determine the charge for providing the publication, or TLPS may provide the publication free of charge, if state law does not require a certain charge. *Tex. Gov't Code § 552.270*.

SEC. 10. INSPECTION OF PUBLIC INFORMATION

(a) *Inspection of Public Information*

If the requestor does not request a copy of public information, TLPS may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below. *Tex. Gov't Code § 552.271(a)*.

i. *Confidential Information*

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, TLPS 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. *Tex. Gov't Code § 552.271(b)*.

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ii. *Payment, Deposit, or Bond*

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.

Tex. Gov't Code § 552.271(c).

If TLPS 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.

Tex. Gov't Code § 552.271(d).

(b) ***Electronic Records***

If TLPS receives a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, TLPS may not impose a charge 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, TLPS shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by TLPS, and 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 TLPS's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, TLPS may impose charges.

If TLPS creates or keeps information in an electronic form, TLPS 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 other means. *Tex. Gov't Code § 552.272*.

SEC. 11. TEMPORARY SUSPENSION OF TPIA DUE TO CATASTROPHE

The requirements of the TPIA do not apply if TLPS is currently significantly impacted by a catastrophe such that that catastrophe directly causes the inability of the school to comply with the TPIA and complies with the requirements below for declaring a suspension period.

"Catastrophe" means a condition or occurrence that directly interferes with the ability of TLPS to comply

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with the TPIA's requirements, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snowstorm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened acts 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 school is closed.

"Suspension period" means the period of time during which TLPS may suspend the applicability of the TPIA's requirements.

(a) ***Initial Suspension Period***

The Board may suspend the applicability of the TPIA to TLPS for an initial suspension period. TLPS may suspend the TPIA only once for each catastrophe. The initial suspension may not exceed seven consecutive days and must occur during the period that:

1. Begins not earlier than the second day before the date TLPS submits notice to the Attorney General; and
2. Ends not later than the seventh day after the date TLPS submits that notice.

(b) ***Extension of Initial Suspension Period***

The Board may extend an initial suspension period if the Board determines that TLPS 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. The combined suspension period may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

(c) ***Informing the Attorney General***

If the Board elects to suspend the TPIA, TLPS must submit notice to the Attorney General that TLPS is currently impacted by a catastrophe and has elected to suspend the applicability of the TPIA during the initial suspension period. The notice must be on the form prescribed by the Attorney General, and must require TLPS to:

1. Identify and describe the catastrophe that TLPS 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 TLPS 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 Attorney General determines necessary.

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(d) ***Informing the Public***

If the Board elects to suspend the TPIA, TLPS must provide notice to the public of the suspension in a place readily accessible to the public and in each other location TLPS is required to post a notice under the Open Meetings Act. TLPS must maintain the notice of the suspension during the entire suspension time.

(e) ***Requests Received During a Suspension Period***

A request for public information received by TLPS during a suspension period is considered to have been received by TLPS on the first business day after the date the suspension period ends.

(f) ***Pending Requests Tolled During a Suspension Period***

A TPIA request received by TLPS before the date an initial suspension period begins is tolled until the first business day after the date the suspension period ends. *Tex. Gov't Code § 552.2325*.

SEC. 12. PRODUCTION OF PUBLIC INFORMATION WHEN ADMINISTRATIVE OFFICES CLOSED

If TLPS closes its physical offices but requires staff to work, including remotely, TLPS shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to responsive information. Failure to respond to an application for information may constitute a refusal to request an Attorney General decision or a refusal to supply public information or information that the Attorney General has determined is public information. *Tex. Gov't Code § 552.2211*.

SEC. 13. ACCESS BY BOARD MEMBERS

a) ***Special Right of Access***

A Board member may inspect, duplicate, or inspect and duplicate public information maintained by TLPS if the Board member is acting in his or her official capacity. Public information requested by a Board member shall be provided to the member promptly and without charge.

If requested by a Board member, public information that is confidential under law shall be redacted from the information provided to the member without charge.

Information subject to attorney-client privilege is not subject to disclosure to a Board member unless the attorney-client relationship upon which the privilege is based applies to the members. TLPS shall inform the Board member if information responsive to a request is withheld due to attorney-client privilege. *Tex. Gov't Code § 552.403*.

b) ***Confidential Information***

TLPS may request that a Board member who is receiving public information that is confidential under law to sign a confidentiality agreement that covers the information and requires that:

1. The information not be disclosed;

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2. The information be labeled as confidential;
3. The information be kept securely; or
4. The number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.

By providing to a Board member public information that is confidential or otherwise excepted from disclosure under law, TLPS does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future. *Tex. Gov't Code§ 552.404*.

Sec. 14. MISCELLANEOUS

a) *Limit on Personnel Time for Large or Frequent Requests*

TLPS may set reasonable monthly and yearly limits on the amount of time that school personnel 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.

TLPS has set the following monthly and yearly limits on the amount of time that school personnel are required to spend producing or providing copies of public information to a requestor without recovering costs attributable to that personnel time:

1. A monthly time limit of 15 hours for a requestor within a one-month period; or
2. A yearly time limit of 36 hours for a requestor during the 12-month period that corresponds to TLPS's fiscal year.

Tex. Gov't Code § 552.275(a), (b).

i. *Request by Minor*

Any time spent complying with a request submitted in the name of a minor, as defined by Texas 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. *Tex. Gov't Code §552.275(c)*.

ii. *Exception*

This section does not apply if the requestor is 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:

1. Dissemination by a news medium or communication service provider, including (a) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or

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(b) 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

2. Creation or maintenance of an abstract plant as described by Texas Insurance Code § 2501.004.

"Communication service provider" has the meaning assigned by Texas Civil Practice and Remedies Code § 22.021.

"News medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

1. Print;
2. Electronic;
3. Mechanical;
4. Photographic;
5. Radio;
6. Television; and
7. Other means, known or unknown, that are accessible to the public.

This section also does not apply if the requestor is an elected official of the United States, the State of Texas, or a political subdivision of the State of Texas, or a representative of a publicly funded legal services organization that is a federal tax-exempt entity under Section 501(c)(3), Internal Revenue Code of 1986.

Tex. Gov't Code §552.275(j)-(m).

iii. *Written Statement of Personnel Time*

Each time TLPS complies with a request for public information, TLPS 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 in the statement, unless the requestor's time limit for the period has been exceeded. *Tex. Gov't Code § 552.275(d)*.

iv. *Written Estimate of Charges*

If the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, TLPS 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. TLPS shall provide the written estimate on or before the 10th day after the date on which the request was made. 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.

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When a request is made by a requestor who has made a previous request to TLPS that has not been withdrawn, for which TLPS has located and compiled documents in response, and for which TLPS has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, TLPS 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.
Tex. Gov't Code § 552.275(e), (e-1).

v. *Request for Photo Identification*

TLPS may request photo identification from a requestor for the sole purpose of establishing that the requestor has not:

1. Exceeded a limit established by TLPS under this Policy; and
2. Concealed the requestor's identity.

A request for photo identification must include a written estimate of charges, as described above, applicable to the requestor who has exceeded a limit established by TLPS and a statement that describes each specific reason why the request for identification may apply to the requestor. TLPS 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 TLPS has requested photo identification may decline to provide identification and obtain the requested information by paying the charge assessed in the statement.
Tex. Gov't Code § 552.275(n), (o).

vi. *Additional Time*

If TLPS provides the requestor with written notice that additional time is required to prepare the written estimate, TLPS must provide the written estimate as soon as practicable, but on or before the 10th day after the date TLPS provided the notice that additional time was required. *Tex. Gov't Code § 552.275(f)*.

vii. *Acceptance of Charges*

If TLPS provides a requestor with the written estimate of charges or written request for identification and the time limits regarding the requestor have been exceeded, TLPS 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 TLPS provided the written estimate, the requestor submits payment of the amount stated in the written estimate, or provides identification or submits payment, as applicable. If the requestor fails or refuses to provide identification or submit payment, the requestor is considered to have withdrawn the request. *Tex. Gov't Code § 552.275(g), (h)*.

viii. *Waived or Reduced Charges*

This section does not prohibit TLPS from providing a copy of public information without charge or at a reduced rate, or from waiving a charge for providing a copy of public information, under Texas Government Code § 552.267. *Tex. Gov't Code §552.275(i)*.

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ix. *Inspection on Behalf of Another Requestor*

A requestor who has exceeded a limit established by TLPS under this Policy may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by TLPS. *Tex. Gov't Code §§ 552.271(e), .272(f)*.

b) *Filing Suit to Withhold Information*

TLPS may file suit seeking to withhold information if TLPS receives a determination from the Attorney General that information must be disclosed to a requestor. The suit must be filed in Travis County district court against the Attorney General and must seek declaratory relief from compliance with the Attorney General's decision.

TLPS must bring the suit not later than the 30th calendar day after TLPS receives the Attorney General's decision. If TLPS wishes to preserve an affirmative defense for its officer for public information, as provided by Texas Government Code § 552.353(b)(3), TLPS must file suit not later than the 10th calendar day after receipt of the Attorney General's decision. *Tex. Gov't Code §§ 552.324, .353(b)(3)*.

c) *Parent's Request for Information*

TLPS shall comply with a TPIA request upon receipt of a request from a parent for public information relating to the parent's child. If TLPS seeks to file suit to challenge a decision by the Attorney General in order to withhold information it must bring the suit not later than the 30th calendar day after the date TLPS receives the decision of the Attorney General, unless an earlier deadline is established by the TPIA. Notwithstanding any other law, TLPS may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If TLPS does not bring suit within the period established, TLPS shall comply with the decision of the Attorney General.

Tex. Gov't Code § 26.0085.

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