



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 01.04: Custodian of Public Records

DATE: August 24, 2009

PURPOSE: This Operating Policy/Procedure (OP) defines the steps involved for the release of public information and collection of any charges for copies if a request should arise pursuant to the Texas Public Information Act. *Texas Government Code § 552.001, et seq.

REVIEW: This OP will be reviewed in May of every fourth year by the vice chancellor/general counsel with recommended revisions forwarded to the president. This OP will be reviewed again in 2013.

POLICY/PROCEDURE

1. The president of Texas Tech University is the custodian of all official records on campus. As custodian, the president is responsible for ensuring that records are made available to the public except where the information is deemed confidential by law.
2. As custodian of public records, the president has designated the vice chancellor/general counsel for the Texas Tech University System as the agent for public records for the university.
3. A request for public and/or open records should be made in writing and should specify what records or information is sought. Once the request is received by Texas Tech University, it shall be forwarded immediately to the appropriate department head and the Office of General Counsel. The Office of General Counsel will determine whether the information is public and releasable, nonpublic and not releasable, or whether an Attorney General Opinion should be requested.
4. The Office of General Counsel will notify the appropriate department head of its determination. If the information is deemed to be public, the Office of General Counsel will determine whether the records will be made available for inspection and copying by the requestor or reproduced and sent directly to the requesting party.
5. If the release of information is authorized, the office responsible for the particular records is to coordinate the response and the necessary preparation of data. The assessment of any charges shall be in accordance with Section 7 of this OP.
6. The offices responsible for particular records are as follows:

DEPARTMENT

TYPE OF RECORD

Academic Chairpersons
 College and School Deans
 Chief of University Police
 Dean of the Graduate School

Academic records
 Academic records
 Campus security records
 Academic and admissions records

Dean of Students (Campus Life)	Disciplinary records and registered student organization records
Director, Admissions	Admissions records
Director, Athletics	Student athlete records
Director, Career Center	Job placement records
Director, Financial Accounting Services	Financial records
Director, Financial Aid for Students	Financial aid records
Director, Housing and Residence Life	Housing records
Director, Institutional Research	Personnel records of faculty members
Director, International Affairs	International student personnel records
Director, Human Resources	Personnel records of classified, professional, administrative, and executive employees
Director, Student Health Services	Medical records
Director, University Counseling Center	Personal counseling records
Registrar	Academic records

7. Charges for Requested Records and Information

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

(1) A charge of less than \$15 will not be made for copying and supplying records and/or information. However, if an individual requestor receives separate items of information over a short period of time for which the individual charges would be less than \$15, the requesting department may accumulate such individual charges into a single billing provided it is \$15 or greater.

(2) Standard-size Copy

(a) The charge for readily available information on standard-size paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page. A standard-size copy is defined as a printed impression on one side of a piece of paper that measures no greater than 8 1/2 by 14 inches. Each side of a piece of paper on which an impression is made is counted as a single copy.

(b) Readily available information is defined as information that already exists in printed form or information that is stored electronically and is ready to be printed or copied without requiring any programming or information that already exists on microfiche or microfilm. Information that requires a substantial time to locate or prepare (where location and preparation are a necessity and not as a result of inefficient record keeping) for release is not readily available information.

(3) Nonstandard-size Copy

The charges for nonstandard copies are:

Paper copy	\$.50 each side of a piece of paper
Diskette	\$1.00 each disk
Computer magnetic tape	Actual Cost
VHS video cassette	\$2.50 each cassette
Audio cassette	\$1.00 each cassette
Data Cartridge (each)	Actual Cost

Tape Cartridge	Actual Cost
Rewritable CD (CD-RW)	\$1.00 each disc
Non-rewritable CD (CD-R)	\$1.00 each disc
Digital Video Disc (DVD)	\$3.00 each disc
JA2 Drive	Actual Cost
Other electronic media	Actual Cost

A nonstandard-size copy is defined as any paper copy greater than 8 1/2 by 14 inches or one supplied to the requestor in any other medium such as microfiche, microfilm, diskettes, magnetic tape, and CD-ROM.

(4) Personnel Charge

- (a) The charge for personnel costs incurred by a department or office in processing a request for public information is \$15 an hour. Where applicable, the personnel charge should be prorated to recover the cost for personnel time spent to take requests, locate documents, and reproduce requested information.
- (b) A personnel charge may not be assessed for requests that are for 50 or fewer pages of readily available information in standard-size form, unless allowed by state law.
* **Texas Government Code § 552.261**
- (c) A charge for personnel time may not be assessed for any time spent by any person who reviews the requested information to:
 - Determine whether the university will raise any exception to disclosure of the requested information under Subchapter C of the Texas Public Information Act; or
 - Research or prepare a request for a ruling by the Attorney General's Office pursuant to Subchapter C of the Texas Public Information Act.

(5) Overhead Charge

- (a) A department or office may include in the charges both direct and indirect costs, in addition to a personnel charge when requested to supply information that is not readily available or which will be greater than 50 pages of paper copies of readily available information. The overhead amount assessed will be 20 percent of the personnel charge.
- (b) An overhead charge may not be made for requests for readily available information of 50 or fewer pages of readily available information in standard-size form.

(6) Microfiche and Microfilm Charge

If the department or office has information that exists on microfilm and it has a method of producing copies from the microfilm, the charge shall be \$.10 per page plus a charge to cover any personnel time spent in making the copies (see subsection (4) on personnel charges). If the requestor prefers to have a copy of the fiche or film itself and the information on the fiche or film can be released in its entirety, the department or office may make a copy of the fiche or film and charge for the cost of having such a copy made.

(7) Remote Document Retrieval Charge

Due to limited on-site capacity of storage of documents, it frequently is necessary for departments to store information that is not in current use in remote storage locations. To the extent that retrieval of documents in remote locations results in a cost to the department or office to comply with the request, it is permissible for an assessment to recover costs of such services. Only personnel time outlined in compliance with the definition of "readily available information" in subsection (2) on standard-size copy and in subsection (4) on personnel charges should be added to copy costs.

(8) Computer Resource Charge

Where the retrieval of the information request requires accessing the university's computing system, the following charges shall be assessed:

- (a) Administrative System (IBM) - \$10.00 per minute of CPU time
- (b) Academic System (VAX) - \$1.50 per minute of CPU time
- (c) Individual PC system - \$1.00 per hour of wall clock time

If the request requires the use of the university's programming staff, a charge of \$28.50 per hour shall be assessed.

(9) Miscellaneous Supplies

The actual cost of any miscellaneous supplies such as labels, boxes, and other supplies used to produce the requested information shall be added to the total charge for the requested information.

(10) Postal and Shipping Charges

Any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party shall be added to the cost.

(11) Fax Charge

The charge for a fax of the requested information and transmission locally shall be \$.10 per page. The charge for long distance transmission shall be \$.50 per page for a fax sent within the 806 area code and \$1 per page for a fax transmitted to all other area codes.

(12) Sales Tax

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

b. Access to Information Where Copies Are Not Requested

No charge should be assessed for making available for inspection any public information maintained in a paper record, except as allowed by law. * **Texas Government Code § 552.271** In addition, no charge should be assessed for inspection in an electronic record unless complying with the request will require programming or manipulation of data. ***Texas Government Code § 552.272**

- c. Funds received from the requestor shall be deposited back to the account incurring the cost of copying the records and/or information, (see OP 62.07 for instructions relating to such deposits).
 - d. Before the 30th day after the date on which a regular session of the Legislature convenes, the senior vice president for administration and finance shall submit a report to the Texas Building and Procurement Commission, the Texas Legislative Budget Board, and the Comptroller of Public Accounts. The report shall describe the university's procedures for charging and collecting fees for copies of public records.
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