



SWART Open Records Policy

Texas Government Code, Chapter 552, Public Information, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall promptly release requested information that is not confidential by law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has been sought.

Rights of Requestors

You have the right to:

- Prompt access to information that is not confidential or otherwise protected.
- Receive treatment equal to all other requestors, including accommodation in accordance with ADA requirements.
- Receive certain kinds of information without exceptions, like the voting record of public officials and other information.
- Receive a written itemized statement of estimated charges, when charges will exceed \$40, in advance of work being started and opportunity to modify the request in response to the itemized statement.
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both.
- A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public.
- Receive a copy of the communication from the governmental body asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy.
- Lodge a written complaint about overcharges for public information with the General Services Commission. Complaints of other possible violations may be filed with the county or district attorney of the county where the governmental body, other than a state agency is located. If the complaint is against the county or district attorney, the complaint must be filed with the Office of the Attorney General.

Responsibilities of Governmental Bodies

All governmental bodies responding to information requests have the responsibility to:

- Establish reasonable procedures for inspecting and copying public information and inform requestors of these procedures.

- Treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements.
- Be informed about open records laws and educate employees on the requirements of those laws.
- Inform requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and confirm that the requestor accepts the charges, or has amended the request, in writing before finalizing the request.
- Inform requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time.
- Request a ruling from the Office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor.
- Segregate public information from information that might be withheld and provide that public information promptly.
- Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body.
- Respond in writing to all written communications from the General Services Commission regarding charges for the information. Respond to the Office of the Attorney General regarding complaints about violations of the Act.

Procedures to Obtain Information

- Submit a request by mail, fax, email or in person according to a governmental body's reasonable procedures.
- Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
- Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

Information to be released

You may review it promptly, and if it cannot be produced within 10 working days the public information officer will notify you in writing of the reasonable date and time when it will be available.

Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.

Cost of Records

You must respond to any written estimate of charges within 10 days of the date the governmental body sent it, or the request is automatically withdrawn.

If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment, or deposit.

You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.

Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

Information that may be withheld due to an exception

By the 10th business day after a governmental body receives your written request, a governmental body must:

- request an Attorney General opinion and state which exceptions apply.
- notify the requestor of the referral to the Attorney General; and
- notify third parties if the request involves their proprietary information.

Failure to request an Attorney General opinion and to notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.

Requestors may send a letter to the Attorney General arguing for release and may review arguments made by the governmental body. If the arguments disclose the requested information, the requestor may obtain a redacted copy.

The Attorney General must render a decision no later than the 45th working day after the attorney general received the request for a decision. The attorney general may request an additional 10 working days extension.

Governmental bodies may not ask the Attorney General to “reconsider” an opinion.

How to submit a request to SWART

To submit a request for open records, please send you name, address, telephone number, email address, and your detailed request to:

Sarah Hidalgo-Cook, CCTM
SWART General Manager
713 East Main Street
Uvalde, Texas 78801
830-278-4155 x 3009
scook@paseoswart.org