Purpose: The Concho Valley Council of Governments (CVCOG) is committed to compliance with the letter and the spirit of the Texas Public Information Act ("the Act"). This Policy sets out the steps involved in the release of public information and collection of any charges for copies if a request should arise pursuant to the Act.

Texas Government Code § 552.001, et seq.

General Information

a. The Executive Director is designated as the Public Information Act Officer for all public records for the Concho Valley Council of Governments. The Executive Director is authorized to delegate the duties of Open Records Requests to another employee.

b. An open records must be made in writing and should specify the department and the records or information sought. All requests for information should be for information already in existence. A governmental body is not required to answer questions, perform legal research, or create new information in response to an open records request.

c. E-mailed requests must be sent to Procurement-dept@cvcog.org to be considered valid. If a request is received by any employee of the CVCOG or any of its components, it shall be forwarded immediately to the Contract and Compliance Manager or by email to procurement-dept@cvcog.org. All requests and any questions regarding the Act should be directed to the Contract and Compliance Manager at (325) 944-9666 x 282.

d. A subpoena duces tecum or a discovery request that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Act and is not subject to this procedure. A request for documents related to a department hearing is a request for information under the Act.

e. The Procurement department is responsible for maintaining requests, creating and maintaining a log of all requests, storing the records requested, and submitting required information to the Office of the Attorney General.

1. The Contract and Compliance officer will determine whether the information is public and releasable, nonpublic and not releasable, or whether the request should be routed to the Office of the Attorney General via the Executive Director for a ruling.

2. If it is unclear what information is being requested, the Contract and Compliance Manager may ask the requestor to clarify his or her request. If a large amount of information has been requested, the requestor may be requested to narrow the
scope of the request. However, in accordance with the Act, employees should not ask why the information is being requested or about its intended usage.

3. If requested public information is mingled with confidential information, all confidential information must be deleted/redacted before the public information is made available to the requestor. The requestor may be charged for deleting/redacting confidential information only in accordance with this policy.

4. All requests will be put into a form for review and signature by the Executive Director along with the resulting information:
   i. The form will indicate if the information is public/releasable, nonpublic/not releasable, and/or if the Attorney General’s office of Texas needs to make a ruling regarding the information requested.
   ii. The Executive Director will review and sign all Open Records Request Forms
   iii. The Contract and Compliance officer will contact the requester in a timely manner, within ten days, with the requested information, responding that the request is nonpublic/not releasable because it has been determined as proprietary information, or that the issue has been referred to the Attorney General for a ruling regarding the requested information.
   iv. If information is not available electronically and/or the requested information is requested to be returned in printed form, the requestor may be charged a fee for all printed documents. The Contract and Compliance Manager shall give the requestor the fee amount in a timely manner, within ten days, and allow the requestor the opportunity to either pay the requested fee amount and/or receive documents in electronic form.

1. All charges for open records requests will be in accordance with Chapter 70 of the Texas Administration Code. If a request for a copy of public information or a request to inspect information will result in a charge of $40 or higher, the Contract and Compliance Manager will provide the requestor with a written itemized statement.

   Texas Government Code § 552.2615.

2. The charges outlined herein do not apply to any publication that is compiled and printed by or for the CVCOG for public dissemination. In such case, the CVCOG may determine the appropriate charge, if any, for providing the publication.

f. Failure to comply with the Act and with this Policy could expose the CVCOG, its components, and individual employees to sanctions, including civil and criminal liability. Employees may also face disciplinary action by the CVCOG. Actions that may be considered a violation of the Act include, but are not limited to, the destruction, removal, or alteration of public information; the failure or refusal to provide access to or copies of public
information; and the intentional disclosure of information considered confidential under the Act.

g. CVCOG employees are not authorized to submit public information requests to the CVCOG while acting in their official capacity. Any public information request made by an employee must be submitted in that employee’s individual capacity as a private citizen.

h. Per the Attorney General’s Office, the CVCOG is not required to report requests.

i. After information has been released under the Act, the CVCOG is not required to provide the requestor with subsequent updates, corrections, or notice of a change in status of the person to whom the information pertains.

j. The Act provides that all information collected, assembled, or maintained by governmental bodies is public information and available to the public during normal business hours, unless the information falls within certain exceptions specified in the Act. Many of those exceptions are summarized below:
   i. information that is confidential under other specific statues or by judicial decisions;
   ii. certain personal information that would constitute a clearly unwarranted invasion of personal privacy (employees who wish to protect from disclosure their home address, home telephone numbers, and whether they have family members, may do so by contacting Human Resources. Social security numbers are protected from disclosure);
   iii. certain information relating to litigation if the litigation is pending or reasonably anticipated on the date the request is made;
   iv. attorney-client privileged documents or attorney work product;
   v. information relating to competition or bidding;
   vi. information relating to the location or price of property before public announcement or award of contract;
   vii. certain legislative documents;
   viii. certain law enforcement records;
   ix. certain commercial or financial information;
   x. certain memoranda containing advice, opinions, or recommendations on policy matters;
   xi. certain information relating to Policy of financial institutions or securities;
   xii. geological or geophysical information;
   xiii. most student records;
   xiv. most birth and death records;
   xv. most audit work papers and draft reports;
   xvi. certain addresses, telephone numbers, social security numbers, and personal family information;
   xvii. official prescription forms;
   xviii. photographs of peace officers;
xix. certain rare books and original manuscripts;
x. certain documents held for historical research;
xxi. certain test items;
xxii. names of applicants for the chief executive officer
xxiii. certain audits;
xxiv. names of applicants for superintendent of public school districts;
xxv. certain information submitted by a potential vendor or contractor;
xxvi. certain motor vehicle records;
xxvii. certain economic development information; and crime victim information

k. Pursuant to Texas Government Code, § 552.275, the CVCOG has established a time limit on the amount of time personnel of the CVCOG and/or the CVCOG’s component institutions 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 attributed to that personnel time. The time limit which has been established by the CVCOG shall be 36 hours per fiscal year. Requestors who exceed the 36-hour time limit shall be required to pay all costs attributable to cost of materials, overhead and personnel time regardless of whether the requestor intends to only inspect the documents. This section does not apply to those requestors exempt by Texas Government Code, § 552.275. The office of General Counsel will provide an appropriate statement to requestors, so they are aware of the time they have used.