

<b>Policies of the University of North Texas Health Science Center</b>	<b>Chapter 05 Human Resources</b>
<b>05.516 Public Information Policy</b>	

Policy Statement.

The University of North Texas Health Science Center believes that as an entity of the State of Texas, it exists in order to serve the people of Texas. In accordance with that belief, the Health Science Center is committed to allowing people access to information regarding its records, affairs and transactions in accordance with the Texas Public Information Act as set forth in Chapter 552 of the Government Code, Vernon’s Texas Codes Annotated (Note: The Texas Public Information Act was formerly known as the Texas Open Records Act and is referred to as the "Act" in this Policy.) This Policy provides necessary background regarding public information and sets forth the appropriate procedure for handling requests for information that are made under the Texas Public Information Act.

Application of Policy.

All Employees

Definitions.

1. "Public Information" means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by the University of North Texas Health Science Center; or (2) on behalf of the University of North Texas Health Science Center and the Health Science Center owns the information or has a right of access to it. The general forms in which public information may exist include, but are not limited to, book, paper, letter, document, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map and drawing, electronic data or a voice data or video representation which is held in computer memory. The Act only requires that documents in paper or electronic form be provided to a Requestor. It does not require Health Science Center employees to do substantive research, prepare answers to questions, or to do research surveys (an alternate procedure is used to respond to survey requests).
  
2. **EXAMPLES OF PUBLIC INFORMATION:** Many different types of information are required to be released under the Act. The following is a list of some types of information common to the Health Science Center that usually will be required to be released under the Act:
  - a) most information contained in the personnel file of Health Science Center employees;
  
  - b) directory information such as a student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities, dates of attendance, degree and awards received, expected date of graduation, and the most recent previous education agency or institution attended by the student; unless the student has properly notified the Health Science Center that such

directory information shall not be released;

- c) almost all letters, memorandums, and e-mails, including drafts that are retained;
- d) almost all completed reports, audits, evaluations, and investigative reports;
- e) notes that are not required to be maintained, but which are kept by a center employee regarding some aspect of the course and scope of his or her employment;
- f) most information contained in an account, voucher, or contract;
- g) staff manuals and written instructions to staff that affect a member of the public;
- h) information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the Health Science Center; and
- i) information that a Health Science Center employee promises to keep confidential, but is not considered confidential by law.

3. **EXAMPLES OF EXCEPTIONS TO THE ACT:** There are also many types of information that are not required to be provided under the Act, as well as some types that must be kept confidential in accordance with some other law or by court order. The following is a list of some of these types of information that are common to the Health Science Center:

- a) non-directory information contained in student records, except as otherwise allowed or required to be released under the Family Educational Rights and Privacy Act or other statute;
- b) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;
- c) information contained in a book or publication that is commercially available to the public or made available to the public as a resource material, such as a library book;
- d) a rare book, original manuscript and certain documents held for historical research that was not created in the conduct of official business of the Health Science Center;
- e) an audit working paper or draft audit; and
- f) a test item developed by the Health Science Center, a licensing agency, or another governmental body; and
- g) a commissioned security officer or peace officer may restrict information that relates to the home address, home telephone, or social security number or that reveals whether the individual has family members. The peace officer or security officer may rescind this restriction in writing.

4. **CUSTODIAN OF RECORDS:** The President or his designee is designated Custodian of Records for the Health Science Center. The University of North Texas System Vice Chancellor and General Counsel is responsible for overseeing compliance with the Act. Any questions regarding the Act, this Policy, or a specific request for information should be directed to the Office of the Vice Chancellor and General Counsel.

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

**1. PROCEDURES TO BE FOLLOWED WHEN A REQUEST FOR INFORMATION IS RECEIVED:**

- a) Any request for information that states it is made pursuant to the Act falls under this Policy. Also, any request for information that is available in either paper or electronic form at the Health Science Center will come under this Policy, even if the Requestor does not specifically state that his or her request is being made pursuant to the Act.
- b) Requests for information must be made in writing. If an oral request for information is received, the Requestor must be informed of the requirement to submit the request in written form. The written request may be provided to any employee of the Health Science Center or directly to the Office of Legal Affairs.
- c) When a written request for information is received, it is imperative that Health Science Center employees note the date received and immediately forward it to the Office of Legal Affairs unless prior alternative arrangements have been approved in writing by the General Counsel.
- d) If it is unclear as to what information is being requested, the Requestor may be asked to clarify his or her request. If a large amount of information has been requested, the Requestor may be informed as to how the scope of a request might be narrowed. However, in accordance with the Act, Health Science Center employees should not ask why the information is being requested or about its intended usage.

**Note: Employees are cautioned not to make any decision as to whether the information requested falls under one of the exceptions to the act without first contacting the Office of Legal Affairs.**

- e) Some type of action must be taken on a request for information within ten business days of initial receipt by a Health Science Center employee. The appropriate type of action to be taken will be determined by the Office of Legal Affairs, in conjunction with the office holding the requested

information. The Office of Legal Affairs will review the request and determine whether the requested information is required to be released under the Act or if it is otherwise exempted from disclosure. If it is determined that the request for information implicates an individual's proprietary interest, the Health Science Center will make a good faith attempt to notify such person within ten days of receipt of the request.

- f) If the request is in a format that does not come under the Act, then the Office of Legal Affairs will inform the department or Health Science Center employee who initially received the request and they will so inform the Requestor. If a preliminary determination is made that the information is maintained in either written or electronic format but may fall under an exemption to the Act, the General Counsel may contact the Office of the Attorney General to obtain an official ruling as to whether the exemption is applicable. The Requestor will be notified that the request has been submitted to the Office of the Attorney General and provided with a copy of the communication requesting the ruling.
- g) If it is determined that the requested information constitutes public information under the Act, the General Counsel will notify the department or Health Science Center employee who initially received the request or who has the information. Within a reasonable time period, normally ten business days, the Requestor should be allowed access to view the information on the Health Science Center campus or the Requestor should receive copies of the requested information through first class United States mail. Note: the Requestor has the right to determine whether he or she wishes to have access on campus or to be provided with copies by the Health Science Center. If the information cannot be accessed for inspection or duplication within ten business days either because it is in active use, in storage, or because of the amount of documents involved or the type of request, then the Health Science Center employee shall certify that fact in writing to the Requestor and set a date and hour within a reasonable time period when the information should be available.
- h) A party requesting copies of public information will not always be aware of the amount of time and cost that may

be involved in complying with a particular request. Where a particular request will involve considerable time and resources to process, the Health Science Center employee responding to the request should inform the Requestor of the anticipated completion date and any potential charges.

- i) With the provision of the requested information, the Requestor shall be sent a completed "University of North Texas Health Science Center Public Information

Request Charges" form and letter stating the total amount of charges to be paid to the Health Science Center and that payment should be made within ten days. If charges are estimated to be in excess of \$100.00, the Requestor may be required to make payment in advance, prior to the information being completed. In such event, the Requestor shall be provided with the "University of North Texas Public Information Request Charges" sheet when provided with the requested information, as well as a reimbursement of any overpayment or a request for final payment of any amount still owed.

- j) If information excepted from disclosure, is mingled with public information in a document, then redaction may be necessary. Redaction (to blackout or otherwise obscure confidential information) must be done for all confidential information. Redaction may be done at the option of the Health Science Center if the information falls within an exception or is not responsive to the Request. The Requestor may be charged for redaction in accordance with this Policy if it pertains to confidential information or is information within an exception to disclosure.

- k) Open campus access. If the Requestor wishes to have on campus access to requested public information, then the Requestor should be allowed to inspect and duplicate the information in a comfortable environment at a scheduled time within the time frame set forth above. The Requestor must complete his or her examination within ten days after the requested information has been made available. This time period will be extended for an additional ten days upon receipt of a written request. Access may be interrupted if the information is needed for use by the Health Science Center. The period of interruption shall not be considered a part of the time period for examination. The Requestor may not at any time remove original copies of a public record from the

Health Science Center.

- l) If public information exists in an electronic or magnetic medium, the Requestor may request a copy either on paper or in an electronic medium, such as on diskette or on magnetic tape. The Health Science Center employee shall provide a copy on the requested medium if:
  - (1) the Health Science Center has the technological ability to produce a copy of the requested information in the requested medium;
  - (2) the Health Science Center does not have to purchase any software or hardware to accommodate the request; and
  - (3) providing a copy of the information in the requested medium will not violate the terms of any copyright agreement between the Health Science Center and a third party.
- m) If the Health Science Center employee is unable to produce a copy of the information in the type of medium that has been requested, it shall provide a copy of the requested information in another medium that is acceptable to the Requestor. The Health Science Center is not required to copy information onto a diskette or other material provided by the Requestor but may use its own supplies and charge for them.
- n) If a response requires programming or manipulation of data the Health Science Center employee shall inform the Requestor in writing of the need for such and whether it can be done. The written notice shall also state: 1) whether the information is not available in the requested form; 2) a description of the form in which it is available; 3) a description of the services that would be necessary to provide it in the requested form; 4) an estimation of the cost in accordance with the charges set forth in this Policy; and 5) the time it will take to respond to the request. This written statement shall be provided to the Requestor within twenty days after the date of the initial receipt of the request. The Health Science Center employee may have an additional 10 days to provide the statement if written notice is given to the Requestor, within twenty days after the date of receipt of the request that the additional time is needed.
- o) It is important that the Health Science Center maintain complete records about requests made and information

provided under the Public Information Act. It is the responsibility of each office to maintain accurate records of requests and responses and to forward money received through the financial accounting office as directed in the Charges Section of this Policy. A copy of all written statements provided to Requestors also shall be provided to the Office of Legal Affairs where they shall be maintained in a central file and in a readily accessible location.

- p) After information has been released under the Act, the Health Science Center 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.
- q) After providing the written statement to the Requestor, the Health Science Center employee does not have any further obligation to provide the information in the requested form or in the form in which it is available until the Requestor state in writing that: (1) he or she wants to be provided with the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the Requestor and the Health Science Center agree; or (2) he or she wants the information in the form in which it is available.

2. **CHARGES FOR INFORMATION PROVIDED:** The charges for responding to a request for information:

- a) When the Requestor receives access to information on the Health Science Center campus:
  - (1) Access to information in standard paper form. The Health Science Center shall not charge for making available for inspection information maintained in standard paper form unless the request is for documentation that contains both confidential information or information falling under an exception and public information. In such case, the Health Science Center may charge for the photocopying costs of creating an edited version of the documentation, as well as personnel time for time spent to obliterate, blackout, or otherwise obscure confidential or excepted information in order to release the public information.
  - (2) Access to information in other than standard form. In

response to requests for access, for purposes of inspection only, to information that is maintained in other than standard form, the Health Science Center shall not charge the Requestor for the cost of preparing and making available such information, unless complying with the request will require programming, manipulation of data, or redaction of information. If programming or manipulation of data is needed to access the information, the Requestor shall be provided with prior written notice as provided above.

- (3) If public information exists in an electronic form on a computer owned or leased by the Health Science Center and if 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 the government-owned or government-leased computer before the information is copied.

b) When the Health Science Center is providing a copy of the information:

- (1) If the request is for information contained in less than 50 standard size pages of paper records, which are located in one building and not in remote storage, then the de minimis response charges shall be waived. Waiver of these charges is limited to one request per person per year except where determined a public interest will be served. All other waivers or reductions of charges must be approved by the Vice Chancellor and General Counsel who shall determine if a waiver or reduction is in the public interest.
- (2) For all other information provided in response to a request under this Policy, the Requestor shall be charged in accordance with the charges set forth on the "University of North Texas Health Science Center Public Information Request Charges" sheet.
- (3) Explanation of some of the charges contained on the "University of North Texas Health Science Center Public Information Request Charges" form:

**Overhead charges.** Whenever any personnel charge



is applicable to a request, the Health Science Center should include the charges of direct and indirect costs, in addition to the specific personnel charge.

**Miscellaneous supplies.** The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charges for public information.

- c) The charges outlined herein do not apply to any publication that is compiled and printed by or for the Health Science Center for the purpose of public dissemination. In such case, the Health Science Center may determine that appropriate charge for providing the publication, if any.

- 3. **POTENTIAL LIABILITY FOR FAILURE TO COMPLY WITH THE ACT AND THIS POLICY:** Failure to comply with the Act and with this Policy could expose the Health Science Center and individual employees to sanctions, including civil and criminal liability. Employees are also subject to disciplinary action by the Health Science Center. Actions that may be considered a failure to comply include, but are not limited to, the destruction, removal, or alteration of public information; failure or refusal to provide access to or copies of public information considered confidential under the terms of the Act, failure to timely notify the Requestor and make submissions to the Office of the Attorney General within the applicable time frame. Human Resources Staff

References and Cross-references.

Texas Public Information Act as set forth in Chapter 552 of the Government Code, Vernon's Texas Codes Annotated (Note: The Texas Public Information Act was formerly known as the Texas Open Records Act and is referred to as the "Act" in this Policy)

Forms and Tools.

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Revised: