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Memorandum Concerning the Proposed Tyler State College Policy on Access to Information by the Public

University of Texas at Tyler

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Memorandum:

To: The Honorable Dean W. Turner  
   Chairman, Legal Committee  
   The Honorable Robert G. Schleier, Member  
   The Honorable David K. McKie, Member

From: James H. Stewart, Jr.

Subject: PROPOSED TYLER STATE COLLEGE POLICY ON ACCESS TO INFORMATION BY THE PUBLIC

As you are aware, Article 6252-17a, or House Bill No. 6, Acts of the 63rd Legislature, Regular Session, 1973, provides by law for making public information accessible to the general public and states in Section 13 of the Act that each governmental body may promulgate reasonable rules of procedure by which public records may be inspected efficiently, safely, and without delay.

In view of this Act, and in accordance with Section 13 of the Act, the attached policy is recommended to the Legal Committee and the Board of Regents of Tyler State College as an institutional operating policy.

I might point out that the charge schedule which is a part of the proposed policy has been checked and approved by the State Board of Control.
Pursuant to the provisions and intent of Article 6252-17a, Texas Civil Statutes, known as the Open Records Act or House Bill No. 6, 63rd Legislature, Regular Session, 1973, and because the College believes that all persons are, unless expressly prohibited by law, at all times entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees, the following policy relating to the accessibility of information in the custody of Tyler State College is hereby adopted.

SECTION ONE. Custodian of Public Records.

The president of Tyler State College is designated as the custodian of public records for the institution, and the director of the public information office is designated as the agent of the custodian to implement the Tyler State College Access to Information Policy. The director of the public information office shall see that the records defined as public records under the provisions of Article 6252-17a are made available for public inspection and copying.

SECTION TWO. Definition and Availability of Public Records.

All public records maintained by the college pursuant to Article 6252-17a are available to the public for inspection or duplication during normal business hours upon request.

SECTION THREE. Procedure for Obtaining Public Information.

All written applications for public information shall be made to the agent of the custodian of public records on forms provided. If the information is in active use or in storage and therefore not available at the time a person asks to examine it, the agent of the custodian shall certify this fact in writing to the applicant and set a date and hour within a reasonable time when the record will be available.

No person shall remove original copies of public records from any office without the written permission of the custodian or his agent.

SECTION FOUR. Cost of Copies of Public Records and Legislative Access.

As provided in Article 6252-17a, Texas Civil Statutes, no charge shall be made for one copy of any public record requested by members of the legislature in performance of their duties.
Other charges made for public records will be in compliance with rates established and/or approved by the Board of Control for Tyler State College. (Schedule of reproduction cost is attached.)

Nothing in this policy shall give authority to withhold information from individual members or committees of the legislature of the State of Texas to use for legislative purposes.

SECTION FIVE. Attorney General Opinions.

If the custodian or his agent receives a written request for information which is considered within one of the exceptions stated in Section 3 of the Access to Information Act but there has been no previous determination that it falls within one of the statutory exceptions, the custodian shall, within a reasonable time, no later than ten (10) days after receiving a written request, seek a decision from the Attorney General to determine whether the information shall be presumed to be public information.

The Attorney General shall forthwith render a decision consistent with standards of due process to determine whether the requested information is a public record or within one of the exceptions stated in Section 3 of the Access to Public Information Law. Specific information requested shall be supplied to the Attorney General but shall not be disclosed until the final determination has been made by the Attorney General through the issue of a written opinion based upon the determination made on the request.

Approved:
TSC Board of Regents, April 3, 1974
REQUEST FOR RECORDS OF TYLER STATE COLLEGE

Under provisions of H.B. 6, Acts of the 63rd Legislature, Regular Session, 1973, I hereby request that copies of the following records of Tyler State College be made available for my inspection or duplication. I agree to pay the duplication cost at the rates established by the Board of Control.

<table>
<thead>
<tr>
<th>Inspection Only</th>
<th>Copies Requested</th>
<th>Tyler State College Record Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Please Check)</td>
<td>(Number)</td>
<td>(Include description adequate to clarify request.)</td>
</tr>
</tbody>
</table>

Requested by: Name
Title
Address
Street, Box, RFD
City
State
Zip Code
Phone Number

TYLER STATE COLLEGE USE ONLY

Tyler State College Staff Member Handling Request:

Pages in Record
Copies per Page
Total Pages

Fee
pages @
$ per page
$ pages @
$ per page

Subtotal
City and State Sales Tax 5%
Postage
Other (Explain: )

Total to be Collected

Date Payment Received
Date Information Furnished
Payment Received by
Date
SCHEDULE OF REPRODUCTION COSTS

In compliance with H.B. 6, 63rd Texas Legislature, Regular Session, the State Board of Control has established the following costs for the non-certified photographic reproduction of public records by using standard office copy machines for letter and legal size and has, after consultation with the Tyler State College staff, established the charges listed below for access to public records in other forms:

1. **Noncertified photographic reproduction on standard office copy machines** (Applicable only to letter or legal size documents):
   - 8½ x 11" or 8½ x 14" -- First Copy: $ .55 each
   - Additional copies of the same page: .15 each

2. **Computer Record Banks**
   - Computer Time: $360.00 per hour
   - Programming (when necessary): 10.00 per hour
   - Setup Charge: (Included in computer time)
   - Printout, per page: .05 each

3. **Microfilm Records**
   - 8½ x 11" or 8½ x 14" -- First Copy: .55 each
   - Additional copies of the same document: .15 each

4. **Other Forms of Records**
   A. Multi-page manuals, reports, or other publications that have been printed or reproduced on an office copy machine, and copies of which are available in sufficient quantity for distribution:
      - First impression: .55
      - Each additional impression: .05

      (Note: An impression is one side of a page only. For example, the cost of a manual, report, or other publication of which copies are already available for distribution would be computed at 55¢ for the first page, plus 5¢ for each additional page (49 pp. @ 5¢), for a total of $3.00 plus sales tax, postage.

   B. Multi-page manuals, reports, or other publications that have been printed or reproduced on an office copy machine, copies of which would have to be reproduced before distribution:
      - First impression: .55
      - Each additional impression: .15

PLEASE NOTE: State Sales Tax (4%) and City Sales Tax, where applicable, must be added to the above fees at the time of sale.

IX-6