

# City of Fredericksburg

## TEXAS PUBLIC INFORMATION ACT INFORMATION REQUEST FORM

For guidance regarding your rights as a requestor and the public information procedures adopted by this governmental body, you may review the governmental body's notice required under section 552.205 of the Government Code. You can find additional Public Information Act resources on the Office of the Attorney General's website at <http://www.texasattorneygeneral.gov/open-government>.

### REQUESTOR CONTACT INFORMATION

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Preferred Manner of Written Communication: **Email or Standard Mail**

### DESCRIPTION OF THE INFORMATION REQUESTED

(Note: Describe the information as precisely as you can.)

**Date Range (optional): From: \_\_\_\_\_ to \_\_\_\_\_**

Under the Public Information Act, some categories of information do not have to be released. Exceptions to disclosure fall into two general categories: 1) mandatory exceptions that make information confidential and require a governmental body to withhold information, and 2) discretionary exceptions that allow but do not require a governmental body to withhold information. You may find information about mandatory and discretionary exceptions at <https://www.texasattorneygeneral.gov/open-government/members-public/confidential-information-under-public-information-act>

In most instances, a governmental body is required to request a decision from the Attorney General in order to withhold information from a requestor. However, a requestor may permit a governmental body to redact information without requesting an Attorney General decision. You are not required to agree to the redaction of any information responsive to your request, but doing so may streamline the handling of your request. If you agree to redactions in this request, then you may request the redacted information in a future information request.

- Do you agree to the redaction of information that is subject to mandatory exceptions, provided such redactions are clearly labeled on the information you received? **Yes or No**
- Do you agree to the redaction of information that is subject to discretionary exceptions, provided such redactions are clearly labeled on the information you receive? **Yes or No**

### INFORMATION PREFERENCES

- How would you like to have the information provided?  
**In-Office Inspection,  
Emailed Copies,  
Mailed Electronic Copies,  
Mailed Hard Copies,  
Pick-Up Electronic Copies,  
or Pick-Up Hard Copies**

**Please Note:** If the information requested is unclear or if a large amount of information is requested you may be contacted to discuss clarifying or narrowing your request. There may be charges associated with production of the requested information. You may find more information regarding the charges under the Public Information Act.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

# The City of Fredericksburg

## Public Information Request Rules and Procedures

### General Information

Public information requests must be in writing.

You may request to receive copies of information, inspect the information, or both.

- General Rule for Copies
  - The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead.
- General Rule for Inspection
  - Generally, a charge may not be imposed when making paper records available for inspection.
  - If the information exists electronically, a charge may not be imposed for access to the information, unless complying with the request will require programming or manipulation of data.

If the City of Fredericksburg (CITY) wishes to withhold information, the City must request a ruling and state the exceptions that apply from the Office of the Attorney General (OAG) within 10 business days of receiving the request. You will receive a copy of the communication from the City asking 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. The OAG will issue a letter ruling in response to the City's request for a ruling within 45 business-days.

The City of Fredericksburg will:

- treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirement;

- Inform the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- Segregate public information from information that may 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 City;
- Respond in writing to all written communications from the Attorney General regarding complaints about the charges for the information and other alleged violations of the Act.

The City shall *promptly* produce public information for inspection, duplication, or both on application by any person.

- “Promptly” means as soon as possible under the circumstances, that is, within a reasonable time, without delay.
- If the City cannot produce information within 10 business days after the date the information is requested, the City must certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available.

### Confidential Information under the Public Information Act

*It is mandatory for the CITY to withhold confidential information from public disclosure. However, the CITY has discretion to withhold other requested information.*

Mandatory - The CITY is required to withhold certain types of information by statute. If information is confidential by statute, the CITY generally cannot release the requested information. Here is a list of common types of information that is confidential by law.

- Dates of birth of living persons
- Driver's license numbers
- License plate numbers

- Credit card numbers
- Insurance policy numbers
- Juvenile offender records
- Child abuse investigations
- Peace officer's home address
- Peace officer's family member information

Discretionary - The CITY has the option to withhold non-confidential information in certain circumstances. In other words, the CITY is not required to withhold requested information, but it may use its discretion to withhold the information. Here is a list of common types of information the CITY may choose to withhold.

- Attorney-Client communications
- Drafts of policymaking documents
- Information related to pending litigation
- Audit working papers
- Competitive bidding information before contract awarded

In either circumstance, the CITY is generally required to seek a ruling from OAG unless there is a previous determination allowing the CITY to withhold the type of information it seeks to withhold. Further, if the CITY has previously released information voluntarily that is not confidential by law, the CITY cannot claim a discretionary exception to withhold the previously released information.

## Charges

### Rates:

- Standard paper copy --\$0.10 per page (each printed side is a page)
- Oversize paper copy -- \$0.50 per page
- Rewritable CD (CD-RW)--\$1.00;
- Non-rewritable CD (CD-R)--\$1.00;
- Other electronic media -- actual cost
- Miscellaneous supplies -- actual cost
- Shipping – actual cost
- Overhead --varies
- Labor charges (locating, compiling, manipulating, or reproducing data) -- \$15.00 per hour

The CITY may waive or reduce charges if the CITY determines that access to the information primarily benefits the general public

The CITY is required to provide a requestor with an itemized statement of estimated charges if charges for copies or inspection of public information will exceed \$40. The itemized statement of estimated charges is to be provided before copies are made to enable requestors to make the choices allowed by the Act. If the CITY fails to provide the required statement, the CITY may not collect more than \$40. The itemized statement must be provided free of charge and shall contain the following information:

- The itemized estimated charges, including any allowable charges for labor, overhead, copies, etc.;
- Whether a less costly or no-cost way of viewing the information is available;
- A statement that the requestor must respond in writing by mail, in person, by facsimile or email
- A statement that the request will be considered to have been automatically withdrawn by the requestor if a written response from the requestor is not received within 10 business days after the date the statement was sent, in which the requestor states that the requestor:
  - Will accept the estimated charges;
  - Is modifying the request in response to the itemized statement; or
  - Has sent to the Attorney General a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

If after starting the work, but before making the copies available, the CITY determines that the initially accepted estimated statement will be exceeded by 20% or more, an updated statement must be sent. If the requestor does not respond to the updated statement, the request is considered to have been withdrawn by the requestor. If the actual charges exceed \$40, the charges may not exceed:

- The amount estimated on the updated statement; or
- An amount that exceeds by more than 20% the amount in the initial statement, if an updated statement was not sent.

The CITY must request an exemption before seeking to recover costs that are more than 25% higher than the charges established by these rules.

The CITY may request a deposit up to 50% of the entire estimated amount if the estimated charges will exceed \$100.

If the CITY cannot produce the public information for inspection and/or duplication within 10 business days after the date the written response from the requestor has been received, the CITY shall certify to that fact in writing, and set a date and hour within a reasonable time when the information will be available.

If a requesting party asks that information be provided on computer-compatible media of a particular kind, and the requested information is electronically stored and the CITY has the capability of providing it in that format and it is able to provide it at no greater expense or time, the CITY shall provide the information in the requested format. If the CITY does not have the required technological capabilities to comply with the request in the format preferred by the requestor, the CITY shall proceed in accordance with §552.228(c) of the Public Information Act.

### **Complaints**

A requestor may submit written complaints to the OAG if the requestor believes the CITY is not complying with the Act.

Pursuant to §552.269(a) of the Texas Government Code, requestors who believe they have been overcharged for a copy of public information may complain to the Attorney General.

*The above information does not represent all potential rules or charges that may apply to your PIA request. For a complete list of regulations regarding PIA requests, please visit the Office of the Attorney General's website and/or the Texas Public Information Act Handbook.*