

# The Public Information Act

Texas Government Code, Chapter 552, 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. Burnet County 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 not 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 the Americans with Disabilities Act (ADA) requirements;
- Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
- Receive a written 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; If estimated costs exceed \$100.00 Burnet County may require a bond, prepayment or deposit.
- 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 Burnet County 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 Office of the Attorney General. If the complaint is against Burnet County or the district attorney of Burnet County, the complaint must be filed with the Office of the Attorney General.

## Responsibilities of Burnet County

*Burnet County, when responding to information requests, has the responsibility to:*

- Establish reasonable procedures for inspecting or 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 (if estimated costs exceed \$100.00 Burnet County may require a bond, prepayment or deposit) and any changes in the estimates above 20 percent of the original estimate, and confirm that the requestor accepts the charges, has amended the request, or has sent a complaint of overcharges to the Office of the Attorney General, in writing before finalizing the request;
- Inform the 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 Burnet County 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 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 Burnet County;
- Respond in writing to all written communications from the Office of the Attorney General 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 or fax or in person as stated below.
- Include enough description and detail about the information requested to enable Burnet County to accurately identify and locate the information requested.
- Cooperate with Burnet County's reasonable efforts to clarify the type or amount of information requested.

### A. Information to be released

- You may review it promptly, and if it cannot be produced within 10 working days the County Attorney 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 business days of the date Burnet County sent it or the request is considered automatically withdrawn.
- If estimated costs exceed \$100.00 Burnet County may require a bond, prepayment or deposit.
- You may ask Burnet County 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. Burnet County can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

**B. Information that may be withheld due to an exception**

- By the 10th business day after Burnet County receives your written request, Burnet County must:
  1. request an Attorney General opinion and state which exceptions apply;
  2. notify the requestor of the referral to the Attorney General; and
  3. notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General opinion and 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 Burnet County. If the arguments disclose the requested information, the requestor may obtain a redacted copy.
- The Attorney General must issue a decision no later than the 45th working day from the day after the attorney general received the request for a decision. The attorney general may request an additional 10 working day extension.
- Burnet County may not ask the Attorney General to "reconsider" an opinion.

<p>To request information from Burnet County, please contact:</p> <p>By Mail: Send to Appropriate Department 220 S. Pierce Street Burnet County, TX 78611</p>	<p>For complaints regarding failure to release public information please contact the Office of the Attorney General as follows.</p> <ul style="list-style-type: none"><li>• Office of the Attorney General, Open Government Hotline, at 512-478-6736 or toll-free at 1-877-673-6839.</li><li>• For complaints regarding overcharges, please contact the Office of the Attorney General's cost Rules Administrator at 512-475-2497.</li></ul>
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