

## **Public Information Act and Policy Teacher Retirement System of Texas**

### **The Public Information Act**

The Public Information Act ("Act") — Texas Government Code, Chapter 552 — gives you the right to access public records of the Teacher Retirement System of Texas ("TRS"). TRS' 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. TRS will promptly release the following sorts of requested information: information that is not confidential by law, either constitutional, statutory, or by judicial decision; information that is not excepted from disclosure by a previous determination of the Office of the Attorney General (OAG); or information for which an exception to disclosure has not been sought.

### **Rights of Requestors**

All people who request public information have the right to:

- Receive treatment equal to all other requestors.
- Receive a statement of estimated charges in advance.
- Choose whether to inspect the requested information, receive a copy of the information, or both.
- Be notified when TRS asks the OAG for a ruling on whether the information may or must be withheld and receive a copy of TRS' written comments.
- Lodge a complaint with the OAG regarding any improper charges for responding to a public information request.
- Lodge a complaint with the OAG Hotline or the county attorney or criminal district attorney regarding any alleged violation of the Act.

### **Responsibilities of Requestors**

All people who request public information have the responsibility to:

- Submit a written request according to TRS' procedures.
- Include enough description and detail of the requested information so that TRS can accurately identify and locate the requested items.
- Cooperate with the TRS' reasonable requests to clarify the type or amount of information requested. A public information request is considered withdrawn if the requestor does not respond in writing to TRS' written request for clarification or additional information within 61 calendar days.
- Respond promptly in writing to all written communications from TRS (including any written estimate of charges).
- Make a timely payment for all valid charges.
- Keep all appointments for inspection of records or for pick up of copies.

## **Rights of Governmental Bodies**

In responding to information requests, TRS has the right to:

- Establish reasonable procedures for inspecting or copying information.
- Request and receive clarification of vague or overly broad requests.
- Request an OAG ruling regarding whether any information may or must be withheld.
- Receive timely payment for all copy charges or other charges.
- Obtain payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from the same requestor.
- Request a bond, prepayment, or deposit if estimated costs exceed \$100.00.

## **Responsibilities of TRS**

In responding to information requests, TRS has the responsibility to:

- Treat all requestors equally.
- Be informed about open records laws and educate employees on the requirements of those laws.
- Inform the requestor of cost estimates and any changes in the estimates.
- Confirm that the requestor agrees to pay the costs before incurring the costs.
- Promptly provide requested information that is not confidential or for which TRS does not seek a ruling on disclosure from the OAG.
- Inform the requestor if the information will not be provided within 10 business days and give an estimated date on which it will be provided.
- Cooperate with the requestor to schedule reasonable times for inspecting or copying information.
- Ensure that requests for information that require programming or manipulation of data are expeditiously and accurately processed.
- Follow OAG regulations on charges; not overcharge on any items; not bill for items that must be provided without charge.
- Inform third parties if their proprietary information is being requested from TRS, and TRS in good faith reasonably believes the requested information to be within an exception to disclosure.
- Inform the requestor when the OAG has been asked to rule on whether information may or must be withheld and provide a copy of TRS' written comments to the requestor.
- Comply with any OAG ruling on whether an exception applies, or file suit against the OAG within 30 days.
- Respond in writing to all written communications from the OAG regarding complaints about

violations of the Act.

### **Procedures to Obtain Information**

- 1) The information request:
  - a) Submit a request by mail, fax, email, or in person to the TRS contact identified below.
  - b) Include enough description and detail about the information requested to enable TRS to accurately identify and locate the information requested.
  - c) Cooperate with TRS' reasonable efforts to clarify the type or amount of information requested.
- 2) Information to be released:
  - a) You may review it promptly, and if it cannot be produced within 10 business days, the public information officer will notify you in writing of the reasonable date and time when it will be available.
  - b) 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.
- 3) Cost of records:
  - a) **You must respond to any written estimate of charges for copies of requested information within 10 business days of the date TRS sent it and in the manner required by law or the request is considered automatically withdrawn.**  
  
**For requests requiring TRS to program or manipulate data, you must respond to TRS' cost estimate within 30 calendar days of the date TRS sent it and in the manner required by law or the request is considered automatically withdrawn.**
  - b) If estimated costs to provide copies of requested information exceed \$100.00, TRS requires a bond, deposit, or prepayment.
  - c) Certain requests may qualify for a waiver or reduction of charges after TRS has determined the cost to provide the requested information.
  - d) Make a timely payment for all mutually agreed charges. Before processing a new request for information from you, TRS requires a deposit or bond for payment of unpaid amounts on prior requests exceeding \$100.00.
  - e) For purposes of TRS' requesting a ruling on disclosure (see below), your information request is considered to be received on the date TRS receives any required deposit or bond for anticipated costs or unpaid amounts. Failure to pay any required deposit or bond within 10 business days after TRS sends you notice that such deposit or bond is required will result in your information request being automatically withdrawn.
- 4) Information that may be withheld because of an exception to disclosure:
  - a) By the 10th business day after the later of TRS' receiving your written request or any required deposit or bond, TRS must:

- i) request a ruling on disclosure from the OAG and state which exceptions apply;
  - ii) notify the requestor of the referral to the OAG; and
  - iii) notify third parties if the request involves their proprietary information.
- b) Failure to request a ruling from the OAG and to notify the requestor within 10 business days of receipt of the written request for information will result in a presumption that the information is open unless there is a compelling reason to withhold it.
  - c) Requestors shall receive a copy of TRS' written comments to the OAG. If the comments disclose the requested information for which a ruling is sought, the requestor will be provided a redacted copy. Requestors may send a letter to the OAG arguing for release of the requested information.
  - d) The OAG must issue a decision no later than the 45th business day from the day after the OAG received the request for a decision. The OAG may extend the time for issuing a decision by an additional 10 business days.
  - e) TRS may not ask the OAG to reconsider a ruling, but TRS may seek clarification of the OAG's ruling or challenge it in court.

**To request information from TRS, contact:**

For Media Inquiries:

Contact: Howard Goldman, Director of Communications

In person: Communications Dept., 1000 Red River St., Austin, TX 78701

By mail: Communications Dept. 1000 Red River St., Austin, TX 78701

By fax: 512-542-6426

By e-mail: [howard.goldman@trs.texas.gov](mailto:howard.goldman@trs.texas.gov)

All Other Public Information Requests:

Contact: Howard Goldman, Director of Communications

or

Dan Junell, Assistant General Counsel

In person: 1000 Red River St., Austin, TX 78701

By mail: 1000 Red River St., Austin, TX 78701

By fax: Howard Goldman, Director of Communications at 512-542-6426

By e-mail: [howard.goldman@trs.state.tx.us](mailto:howard.goldman@trs.state.tx.us), with a copy to [dan.junell@trs.texas.gov](mailto:dan.junell@trs.texas.gov)

**Please note that, to be considered a written request subject to the Act, an e-mailed or faxed information request must be sent to the TRS contact as indicated above.**

For complaints regarding failure to release public information, please contact the OAG, Open Records Hotline, at 512-478-6736 or toll-free at 877-673-6839. You may also contact your county or district

attorney.

For complaints regarding overcharges, please contact the OAG, Cost Rules Administrator, Open Records Division, at 512-475-2497 or toll-free at 888-672-6787.

If you need special accommodation pursuant to the Americans with Disabilities Act (ADA), please contact TRS' ADA Coordinator, Mike Debbs, at 512-542-6556. TRS' Telecommunications Device for the Deaf (TDD) numbers are 512-542-6444 or 800-841-4497.

For more information regarding the Public Information Act and other open government laws, please visit the OAG's Web site at:

<http://www.oag.state.tx.us/open/index.shtml>.