

## **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 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;
- 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 the governmental body asking the OAG for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication disclosed the requested information, a redacted copy.
- Lodge a written complaint with the OAG about overcharges for public information. Complaints or other possible violations may be filed with the county or district attorney of the county where the governmental body, other than a state agency, is located. If the complaint is against the county or district attorney, the complaint must be filed with the OAG.

#### **Responsibilities of TRS**

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

- Establish reasonable procedures for inspecting or copying public information and inform

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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 public information laws and educate employees on the requirements of those laws.
- Inform requestors of the estimated charges greater than \$40s and any changes in the estimates above 20 percent of the original estimate, and confirm that the requestor accepts the charges, or has amended the request, 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 OAG regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor.
- Segregate public information from the infraction that may be withheld and provide the public information promptly.
- Make a good faith attempt to inform thirds parties when their proprietary information is being requested from the governmental body.
- Respond in writing to all written communications from the OAG regarding charges for the information. Respond to the OAG regarding complaints about violations of the Act.

### **Procedures to Obtain Information**

- Submit a request by mail, e-mail, or in person, in accordance with TRS' procedures.
- Include enough description and detail of the requested information to enable TRS to accurately identify and locate the information requested.
- Cooperate with TRS' reasonable requests to clarify the type or amount of information requested.
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#### **A. Information to be released**

- You may review it promptly, and if it cannot be produced within 10 working days the public information officer 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 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.**

- If estimated costs exceed \$100.00, TRS requires a bond, deposit, or prepayment.
- You may ask TRS 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 accepted 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.

**B. Information that may be withheld because of an exception to disclosure:**

- If TRS determines the requested information is not subject to a previous determination or a statute that allows the information to be withheld without requesting a ruling, by the 10<sup>th</sup> business day after TRS receives your request, TRS must:
  - request an Attorney General Letter Decision and state which exceptions apply;
  - notify the requestor of the referral to the Attorney General; and
  - notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General Letter Decision 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.
- Requestors may send a letter to the OAG arguing for release and may review arguments made by TRS. 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 business day from the day after the attorney general received the request for a decision. The attorney general may request an additional 10 business day extension.
- TRS may not ask the Attorney General to “reconsider” a ruling.

**For Public Information Requests:**

Contact: Public Information Coordinator, Communications Department

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

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

By fax: 512-542-6426

By email: [PublicInformation@trs.texas.gov](mailto:PublicInformation@trs.texas.gov)

**Please note that, to be considered a written request subject to the Act, an emailed or faxed information request must be sent to the designated TRS contact indicated above. Under**

**section 552.301(c) of the Act, TRS' Officer for Public Information has designated TRS' Public Information Coordinator as the TRS person authorized to receive an emailed or faxed information request.**

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 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 at 512-542-6570. For the Hearing Impaired: Dial Relay Texas 711 or 1-800-735-2989.

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

<https://texasattorneygeneral.gov/og/open-government>