Angelo State University
Operating Policy and Procedure

OP 01.02: **Custodian of Public Records**

DATE: May 1, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) defines the steps involved for the release of public information and collection of any charges for copies if a request should arise.

REVIEW: This OP will be reviewed in May of every fourth year by the Director of Communications and Marketing, with recommendations for revisions forwarded to the president by June 15 of the same year.

POLICY/PROCEDURE

1. Accessibility of Public Information

Angelo State University is a state agency supported by public funds and subject to the provisions of V.T.C.A., Government Code Chapter 552: Public Information. Public information held by Angelo State University, excluding those which are excepted by statute, including student records which are restricted from disclosure by the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C.S. Section 1232G), will be made accessible on written request in a manner and at a cost stated in this policy.

2. Authority and Release of Public Information

The president of Angelo State University is the custodian of all official records on campus. As custodian, the president is responsible for ensuring that records are made available to the public except where the information is deemed confidential by law. As custodian of public records, the president has designated the Director of Communications and Marketing as the agent of the president for public information to have the authority and responsibility for releasing copies of public information in accordance with the provisions of V.T.C.A., Government Code Chapter 552.

Public information will be made accessible for examination by the Director of Communications and Marketing during normal business hours. Copies of available public information will be provided upon written request during normal business hours in accordance with the procedures and costs stated in this policy.

If a written request is received by an employee or department of the University, the employee or department receiving the request shall immediately forward the request to the Director of Communications and Marketing. Upon receiving a request, the Director of Communications and Marketing shall forward a copy of the request to the department head who is charged with maintaining the requested records as soon as possible.

3. Information Available

"Public information" means all information not excepted by the provisions of the public information statute which is collected, assembled, or maintained by the university pursuant to law or ordinance or in connection with the transaction of official business.

4. Information Excepted From Required Disclosure

a. Incomplete Documents or Drafts - Reports, audits, evaluations, and investigations of Angelo State University do not become public information until their completion, and the statute does not require their disclosure in partially completed form.

b. Employee Information - Employees' dates of birth and, if properly elected upon employment, home addresses and phone numbers, including personal cell phone numbers, are excepted from the Public Information Act. If an employee has not made an election regarding the confidentiality of their home address and phone number or if they want to change their election, then they should contact the Office of Human Resources at Angelo State University.

c. Student Information - Information is excepted from the requirements of the Public Information Act if it is information in a student record at an educational institution funded wholly or in part by state revenue. Student emails and faculty and staff emails regarding students are part of the student's record and are not disclosable without the student's permission. Student Directory Information (student's name, local and permanent mailing address, photograph, major and minor fields of study, participation in officially recognize activities and sports, weight and height of members of athletic teams, team photographs, dates of attendance, classification, enrollment status, degree candidate, degrees, awards and honors received, and type of award/honor, previous educational agency or institutions, and hometown) may be disclosed upon request unless the student has elected to keep their Directory Information confidential.

5. Procedures

Individuals desiring to inspect public information at Angelo State University may do so by submitting a written request to the Director of Communications and Marketing. The request must clearly identify the public information which is to be inspected, and the individual exercising this right must do so in a manner which will not disrupt or cause undue inconvenience in the normal operations of the University. No charge will be made for inspection of readily available public information, but a charge will apply if any copies are requested.

Individuals desiring copies or reproductions of public information must follow the procedures listed below:

a. Provide a written request to the Director of Communications and Marketing.

b. If you receive an estimate of the costs for the copies or information, mail or deliver a check to the Director of Communications and Marketing at the following addresses: Mail – Office of Communications and Marketing, Angelo State University, ASU Station #11021, San Angelo, TX 76909-1021; or Delivery – Office of Communications and

Marketing, Administrative Support Center, 2501 W. Avenue N, San Angelo, TX, 76909.

c. Once payment is received, the Director of Communications and Marketing shall then authorize the records or documents to be reproduced and copies to be made available at the time and place designated by the Director of Communications and Marketing.

d. In order to comply with an unclear or large request, the Director of Communications and Marketing may request clarification or additional information. The requester must respond to a written request for clarification within 61 days or the request will be deemed withdrawn.

e. If a request will require programming and/or manipulation of data, the Director of Communications and Marketing may send an estimate of the costs. If the requester fails to respond to the estimate within 30 days, the request will be deemed withdrawn.

f. If a requestor owes more than $100.00 on unpaid charges for previous requests, the Director of Communications and Marketing is not required to comply with a new request and may require payment of documented, previous charges as well as pre-payment for a new request.

6. University Rules for Reproduction of Public Information

Angelo State University has adopted the following rules that specify the charges the agency will make for copies of public information. In general, Angelo State University will not charge for 50 pages or less of readily available information if the information exists in a standard paper record and is not located in a separate building or storage facility. Funds received from a requestor shall be deposited in an appropriate university account designated for those revenues by the Vice President for Finance and Administration.

7. Definitions.

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

Actual cost - The sum of all direct costs plus a proportional share of overhead or indirect costs.

Standard paper copy - A printed impression on one side of a piece of paper that measures up to 8 1/2 by 14 inches. Each side of a piece of paper on which an impression is made is counted as a single-copy. A piece of paper that is printed on both sides is counted as two copies.

Nonstandard copy - A copy of public information that is made available to a requestor in any format other than a standard paper copy. Microfiche, microfilm, diskettes, magnetic tapes, CD-ROM, and nonstandard paper copies are examples of nonstandard copies.

Readily available information - Information that already exists in printed form or information that is stored electronically and is ready to be printed or copied without requiring any programming, or information that already exists on microfiche or microfilm. Information that requires a substantial amount of time to locate or prepare for release is not readily available information.

8. Charges for Providing Copies of Public Information.

a. Copy Charge

(1) Standard paper copy - The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is $0.10 per page or a part of a page. Each side that has a printed image is considered a page.

(2) Nonstandard copy - The charges for nonstandard copies are:

Diskette	@	$1.00
Magnetic tape	@	actual cost
VHS video cassette	@	$2.50
Audio cassette	@	$1.00
Oversize paper copy	@	$0.50
Other	@	actual cost

(3) The charges in this subsection are to cover the cost of materials onto which information is copied and do not reflect any additional charges that may be associated with a particular request.

b. Programming Personnel

If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the university will charge for the programmer's time. The hourly charge for a programmer for the State of Texas is currently $28.50 an hour, including fringe benefits, which is the charge used in these rules. Only programming services will be charged at this hourly rate.

Any personnel time spent in performing services other than programming will be charged at the rate specified for other personnel as described in these rules.

c. Other Personnel Charges

(1) The charge for other personnel costs incurred in processing a request for public information is $15.00 an hour, which is the average hourly cost, including fringe benefits, to the State for classified state employees as of May 31, 1993. Where applicable, the personnel charge will be prorated to recover the cost for personnel time spent to take requests, locate, compile, and reproduce requested information.

(2) Other personnel charges will not be billed in connection with complying with requests that are for 50 or fewer pages of paper records unless the documents to be copied are located in more than one building or a remote storage facility.

(3) Other personnel time will not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(a) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under Subchapter C of the Public Information Act or

(b) To research or prepare a request for a ruling by the Attorney General's Office pursuant to § 552.301 of the Public Information Act.

(c) When confidential information is mixed with public information in the same page, personnel time may be recovered for time spent to obliterate, blackout, or otherwise obscure confidential information in order to release the public information.

d. Overhead Charge

(1) In response to a request either for information that is not readily available or for in excess of 50 pages of readily available information, the university may include in the charges direct and indirect costs, in addition to the personnel charge. This overhead charge is to cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities and administrative overhead.

(2) An overhead charge will not be made for requests for copies of 50 pages or less of standard paper records.

(3) The overhead charge will be computed at 20 percent of any charge made to cover personnel costs associated with a particular request. For example, if one hour of personnel (programming, other personnel or a combination of both) is used for a particular request, the personnel charge would be $15.00 and the overhead charge would be $3.00.

e. Microfiche and Microfilm Charge

(1) If the university already has information that exists on microfiche or microfilm and has copies available, the charge is the total of the costs of making the copy of the fiche or film. If the requestor prefers to have a copy of the fiche or film itself, and the information on the fiche or film can be released in its entirety, the university will make a copy of the fiche or film available and charge for the cost of having such a copy made. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for state agencies.

(2) If only a master copy of information in microform is maintained, a charge of $0.10 per page will be made for standard size paper copies, plus any applicable personnel and overhead charge for more than 50 pages.

f. Remote Document Retrieval Charge

Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. To the extent that the retrieval of documents results in a charge to comply with a request, the university will charge for the recovery costs of such services. Where a charge is made for documentation retrieval, no additional personnel charge will be factored in for time spent retrieving documents.

g. Computer Resource Charge

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities. These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(2) The following computer charges will be assessed by the university.

Type of System	Rate	
Mainframe	$10.00	per minute
Midsize	1.50	per minute
Client/Server	2.20	per hour
PC or LAN	$1.00	per hour

The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time frame most frequently will be a matter of seconds. No charge should be made for computer print-out time. For example, the computer resource charge for a request that takes 20 seconds to execute on a mainframe system would be $3.33.

h. Miscellaneous Supplies

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information will be added to the total charge for public information.

i. Postal and Shipping Charges

The university will add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

j. Fax Charge

The charge for a fax transmitted locally is $0.10 per page. The charge for long distance transmission is $0.50 per page for a fax sent within the sender's area code, and $1.00 per page for a fax transmitted to a different area code.

k. Scanning Charge

The charge for scanning paper records to be sent electronically to a requestor is $0.10 per page.

l. Sales Tax

Sales tax will not be added on charges for public information.

9. **Access to Information Where Copies Are Not Requested.**

a. Access to Information in Standard Paper Form

The university will not charge for making available for inspection information maintained in standard paper form. Access charges are permitted only where the university is asked to provide, for inspection, information that contains confidential information and public information. When such is the case, the university will charge to make a copy of the page from which information must be edited. No other charges are allowed.

b. Access to Information in Other than Standard Form

In response to requests for access, for purposes of inspection only, to information that is maintained in other than standard form, the university will charge the requesting party the cost of preparing and making available such information, unless the information is readily available. Preparation might involve retrieval of information from a database and deletion of confidential information. In such a case, the university may recover the cost of personnel as set forth in these rules.

10. Format for Copies of Public Information.

To the extent possible the university will attempt to accommodate a requesting party by providing information in the format requested. If a requesting party asks that information be provided on a diskette, and the requested information is electronically stored, the university will provide the information on diskette. The extent to which a requestor can be accommodated will depend largely on the technological capability of the university. The university is not required to acquire software or programming capabilities that it does not already possess to accommodate a particular kind of request.

11. Estimates and Waivers of Public Information Charges.

a. If the Director of Communications and Marketing estimates the charges to exceed $40, the Director of Communications and Marketing must provide a written, itemized statement of the expected charges before undertaking any work.
If the Director of Communications and Marketing determines that the actual charges will exceed the agreed upon charges by 20% before the request is completed, the Director of Communications and Marketing must provide an updated estimate. If the Director of Communications and Marketing fails to provide the updated estimate statement, charges are limited to the original estimate plus 20%.

b. Angelo State University will furnish public information without charge or at a reduced charge if the university determines that waiver or reduction of the fees is in the public interest.

c. A deposit or bond will be required on the amount of the estimated charges if such charges exceed $100.00. A request will be considered withdrawn if the deposit or bond is not

received within 10 business days. The request will be considered "received" on the date of payment.

12. Postage Charges

State agencies are not required to mail documents to a requesting party, and Angelo State University does not normally do so. If exceptions are made for valid reasons, the university will charge for the actual postage involved.

13. Interpretations of Public Information

In case of questions regarding the applicability of V.T.C.A., Government Code Chapter 552, the Director of Communications and Marketing shall contact the Texas Tech University System General Counsel. Where appropriate, the Director of Communications and Marketing or the Texas Tech University System General Counsel may consult with or seek a ruling from the Attorney General's Office as provided in the statute. Prior to seeking a ruling from the Attorney General's Office, the Director of Communications and Marketing shall fully inform the president of the facts of the request and the reason for requesting a ruling.

14. Summary

The following is a summary of the charges for copies of public information that has been adopted by Angelo State University. These are also the charges set forth in these rules:

	Service Rendered	Charge
1.	Standard paper copy	$0.10 per page
2.	Nonstandard copy	
	(A) Diskette	$1.00 each
	(B) Magnetic tape (9-track)	actual cost
	(C) VHS video cassette	$2.50 each
	(D) Audio cassette	$1.00 each
	(E) Oversized paper copy	$0.50 each
	(F) Other	Actual cost
3.	Personnel charge	
	(A) Programmer	$28.50 per hour
	(B) Other Personnel	$15.00 per hour
4.	Overhead charge	20% of personnel charge
5.	Computer resource charge	
	(A) Mainframe	$10.00/minute
	(B) Midsize	$1.50/minute
	(C) Client/Server	$2.20/hour
	(D) PC or LAN	$1.00/hour
6.	Postage and shipping charge	Actual cost
7.	Fax charge	
	(A) Local	$0.10 per page
	(B) Long distance, same area code	$0.50 per page
	(C) Long distance, different area code	$1.00 per page
8.	Scanning charges	$0.10 per page
9.	Miscellaneous charges	Actual cost

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