

Report on Procedures for Charging and Collecting Fees For Providing Copies of Public Information

February 5, 2009

Section 552.274(b), as amended by Acts 2005, 79th Leg., ch. 329, § 9, of the Texas Government Code requires that a state agency must issue a report describing that agency's procedures for charging and collecting fees for providing copies of public information. The report must be issued before the 30th day after the date on which a regular session of the legislature convenes. The publication of this report fulfills that requirement.

As required by Section 552.262 of the Texas Government Code, the Texas Facilities Commission follows the rules of the Office of the Attorney General for determining the charge, deposit or bond required for providing information. The Office of the Attorney General's rules also prescribe the methods of computing the charges. These rules are found in Chapter 70, Part 3, Title 1, of the Texas Administrative Code. The Texas Administrative Code is available on the Texas Secretary of State's website (<http://www.sos.state.tx.us>).

The Texas Facilities Commission charges for copies of public information in accordance with current laws and rules. If charges will exceed \$40 or will require programming or manipulation of data, the requestor is provided with a cost estimate or statement as required by either Section 552.231 or Section 552.2615 of the Texas Government Code, as applicable. The Texas Facilities Commission regularly utilizes Section 552.267 of the Texas Government Code, which provides for waiver or reduction of cost when in the public interest. Other governmental bodies are not charged for information unless such a request requires extensive computer programming time. Employees and former employees of the Texas Facilities Commission are not charged for their own employment records. The Texas Facilities Commission waives charges of less than \$20 to ensure that members of the public have broad access to clearly public information. Additionally, individual members, agencies, and committees of the legislature are not charged for information to be used for legislative purposes, as provided by Section 552.264 of the Texas Government Code.

In fiscal year 2008, the Texas Facilities Commission responded to 67 written requests for information and waived all charges. In compliance with the current reporting requirements of the Office of the Attorney General, the Texas Facilities Commission reports only the number of requests for information that were actually made in writing.

Anyone with questions, comments or requiring further information regarding this report may contact the Open Records staff at openrecords@tfc.state.tx.us.