

## **CHAPTER 6 GENERAL OPERATIONS**

### **Texas Commission on Environmental Quality**

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#### **6.18.01 REQUESTS FOR PUBLIC INFORMATION: Policy Introduction**

##### **PURPOSE**

The purpose of this policy is to provide guidelines for responding to requests for information under the Texas Public Information (formerly Open Records) Act.

##### **POLICY**

TCEQ is committed to upholding the policies of the Public Information Act (PIA) and the State Agencies Privacy Policy and to insuring that the public's access to public information is protected.

An Open Records Request (ORR) is any written request that asks for information which is collected, assembled or maintained in connection with the transaction of official business. To qualify as an ORR, the request does not have to contain any “magic” words nor mention the Public Information Act (PIA), the Open Records Act (ORA) nor the Freedom of Information Act (FOIA). It does not have to be addressed to the Agency’s Public Information Officer (PIO), with the exception of ORRs submitted via fax or e-mail, which must be submitted to the PIO. The PIA requires responses to all requests for public information as soon as possible under the circumstances, within a reasonable time, without delay.

If confidential information is located when responding to an electronically mailed or faxed ORR, that ORR should be redirected to the Public Information Officer by fax at (512) 239-0888 or e-mailed to: [openrecs@tceq.state.tx.us](mailto:openrecs@tceq.state.tx.us).

TCEQ discloses public information unless one of the exceptions to disclosure listed in the Public Information Act is applicable, or if the information is made confidential by other law.

##### Privacy Policy

Under Texas law, an individual is entitled to receive and review any information collected by TCEQ by means of a form that the individual completed and filed with the TCEQ in a paper format or in an electronic format on a TCEQ Internet site. Examples of information collected would be an individual’s social security number, e-mail, address, phone number, date of receiving a degree, etc.

The request to receive and review information collected by TCEQ as stated above will be handled as an open records request. In addition, an individual is entitled to have TCEQ correct information about them that is incorrect.

##### **AGENCY RELATED DOCUMENTS**

- OPP 6.14 Electronic Mail
- OPP 6.16 Charges for Copies of Public Information
- OPP 8.13 Requests for Database Information Retrieval
- OPP 13.02 Records Management
- Guide to Administrative Procedures, Chapter 13

##### **AUTHORITY**

Texas Public Information Act, Chapter 552, Texas Gov’t Code

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State Government Privacy Policies, Chapter 559, Texas Gov't Code

**EFFECTIVE DATE**

March 24, 1998

**REVISED DATE(S)**

August 6, 2000

May 20, 2002

November 4, 2002

June, 2004

December 27, 2004

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#### 6.18.02 REQUESTS FOR PUBLIC INFORMATION: How to Respond to a Request for Public Information

#### PUBLIC INFORMATION ACT PROCESS

(Procedures on “What to Do When You Receive an Open Records Request” are located in the Guide to Administrative Procedures (GAP) Manual, Chapter 13, on the T-Net at: <http://home.tnrcc.state.tx.us/internal/admin/gap/index.html>).

#### MEDIA REQUESTS

If the requestor of public information is associated with the **news media**, the agency employee responding to the request must coordinate the response with Media Relations.

When a public information request involves **information related to current or former TCEQ Commissioners**, the agency employee responding to the request will coordinate with TCEQ Office of General Counsel.

#### LEGISLATIVE REQUESTS

If the request is from a legislative agency, legislative committee or an individual member of the legislative branch, the request shall immediately be routed to the Director of the Office of Public Assistance or designee who will coordinate with the Office of Legal Services and Intergovernmental Relations to draft and finalize the response. If the request specifically states that the information requested is for legislative purposes, TCEQ must provide the information even if it is confidential or otherwise exempted from required disclosure under the law. TCEQ may require the requesting party to sign a confidentiality agreement that covers the agreement and requires that:

1. the information may not be disclosed outside the requesting entity, or within the requesting entity for purposes other than the purpose for which it was received;
2. the information be labeled as confidential;
3. the information be kept securely; or
4. the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned to TCEQ remaining confidential and subject to the confidentiality agreement.

#### REPORTING REQUIREMENTS

Each Division is required to report all written ORRs. The following information is to be reported on a monthly basis:

- the nature of the request;
- the number of the request(s) received; and
- the number of hours spent by each staff member responding to the request.

This information shall be provided to Open Records, Information Resources not later than the 3<sup>rd</sup> working day of each month. A report will be compiled and submitted to the Legislative Budget Board as required by Senate Bill 1851.