

CITY OF SUNSET VALLEY
3205 Jones road, Sunset Valley, Texas 78745
(512) 892-1383 phone
www.sunsetvalley.org

PUBLIC INFORMATION REQUEST - INFORMATION AND INSTRUCTIONS

About the Public Information Act

"The Public Information Act, formerly known as the Open Records Act, is located at chapter 552 of the Government Code. The Act provides a mechanism for citizens to inspect or copy government records. It also provides for instances in which governmental bodies wish to, or are required by law to, withhold government records from the public: (Texas Attorney general Web site)

As a citizen, you have certain rights under the Public Information Act. The City of Sunset Valley also has certain rights and obligations under the Act. You can obtain a copy of these rights and obligations from City Hall by requesting a copy of the form entitled "Rights and Obligations Concerning Requests for Public Information under The Texas Public Information Act. This information is also available online at www.sunsetvalley.org

Filing an Open records Request with the City of Sunset Valley

To obtain information pursuant to the Public Information Act (Open Records act), please use one of the following processes:

1. Filing an Open Records Request via Internet, Mail, or Fax (printer required)

- a. [Click HERE](#) to obtain an open records request form. The document is PDF format that requires Adobe Reader. (If you do not have access to the Internet, you can call the City offices and a form will be sent to you.)
- b. Use a PDF document viewer and print the form.
- c. After completing the form choose one of these options:

Option 1: Scan and E-mail to the City Secretary mlingafelter@sunsetvalley.org.

Option 2: Mail the form to:

City Secretary
City of Sunset Valley
3205 Jones Road
Sunset Valley, TX 78745

Option 3: Hand Deliver the form to the address above between 9:00 AM and 5:00 PM

2. Filing an Open Records Request In Person

1. If you are unable to obtain a form from our website, come by the Municipal Building at 3205 Jones Road, Sunset Valley, Texas 78745 between 9:00 AM and 5:00 PM.
2. Ask for the City Secretary.
3. Ask for a "REQUEST FOR INFORMATION" form.
4. Complete the form and leave it with the City Secretary.

If you have any questions, difficulties submitting an Open records Request, or require any assistance, please call 512-892-1383 and ask to speak to the City Secretary.

**Rights and Obligations Concerning Requests for Public Information under
The Texas Public Information Act**

(1) The Public Information Act. Texas Government Code, Chapter 552, gives you the right to access government records; and an 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. Governmental bodies shall 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.

(2) Rights of Requestors. You have the right to:

- (A) Prompt access to information that is not confidential or otherwise protected;
- (B) Receive treatment equal to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- (C) Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
- (D) Receive a written itemized 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;
- (E) Choose whether to inspect the requested information (most often at no charge), receive copies of the information, or both;
- (F) A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public;
- (G) Receive a copy of the communication from the governmental body asking the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy;
- (H) Lodge a written complaint about overcharges for public information with the Attorney General. Complaints of 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 Attorney General.

(3) Responsibilities of Governmental Bodies. All governmental bodies responding to information requests have the responsibility to:

- (A) Establish reasonable procedures for inspecting or copying public information and inform requestors of these procedures;
- (B) Treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirement;
- (C) Be informed about open records laws and educate employees on the requirements of those laws;
- (D) Inform requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and confirm that the requestor accepts the charges, has

amended the request, or has sent a complaint of overcharges to the Attorney General, in writing before finalizing the request;

(E) Inform the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;

(F) Request a ruling from the Attorney General regarding any information the governmental body wishes to withhold, except in connection with omnibus rulings of the Attorney General excepting certain information, and except as to information for which the Attorney has previously ruled, and send a copy of the request for ruling, or a redacted copy, to the requestor;

(G) Segregate public information from information that may be withheld and provide that public information promptly;

(H) Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;

(I) Respond in writing to all written communications from the Attorney General regarding complaints about the charges for the information and other alleged violations of the Act.

(4) Procedures to Obtain Information

(A) Submit a request by mail, fax, email or in person, according to a governmental body's reasonable procedures.

(B) Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.

(C) Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

(5) 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;

(C) Cost of Records.

(i) You must respond to any written estimate of charges within 10 business days of the date the governmental body sent it or the request is considered automatically withdrawn;

(ii) If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit;

(iii) You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges;

(iv) Make timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

(6) Information that may be withheld due to an exception.

(A) By the 10th business day after a governmental body receives your written request, a governmental body must:

(i) Request an Attorney General Opinion and state which exception apply (unless an omnibus or prior ruling of the Attorney General is applicable);

(ii) Notify the requestor of the referral to the Attorney General; and

(iii) Notify third parties if the request involves their proprietary information;

(B) Failure to request an Attorney General opinion and to notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.

(C) Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body. If the arguments disclose the requested information, the requestor may obtain a redacted copy.

(D) The Attorney General must issue a decision no later than the 45th business day after the Attorney General received the request for a decision. The Attorney General may request an additional 10 business days extension.

(E) Governmental bodies may not ask the Attorney General to "reconsider" an opinion.