

Open Government Updates

COMPLYING WITH THE **PIA** AND **OMA** IN THE TIME OF CORONAVIRUS



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1

Roadmap



PIA

Updates after the 86th
Session to Gov't Code
Chapter 552



OMA

Updates after the 86th
Session to Gov't Code
Chapter 551



COVID-19

Transparency and
compliance during a
pandemic

2

Public Information Act Updates

Gov't Code Chapter 552



S.B. 944 "PIA Omnibus"



- (1) Excludes "protected health information" from the PIA.
- (2) "Temporary custodian" process for obtaining records from current and former officers and employees who independently maintain information**
- (3) Clarifies possession and maintenance requirements for information maintained on privately owned devices**
- (4) New exception to disclosure of certain health care information obtained by a governmental body;
- (5) Clarifies the permissible methods a requestor may use to submit a public information request and specifies that a governmental body may designate an email address and a mailing address for receiving requests**
- (6) Requires the OAG to create a public information request form for use by governmental bodies and requestors.**

Public Information Act Updates

Gov't Code Chapter 552



S.B. 944 "PIA Omnibus"



Creates a "temporary custodian" process for obtaining records from current and former officers and employees who independently maintain information

Now there are civil and criminal mechanisms for a requestor to force a city official to turn over information

Clarifies procedure for info held on private device and record retention

Public Information Act Updates

Gov't Code Chapter 552



Clarifies the permissible methods a requestor may use to submit a public information request

Specifies that a governmental body may designate one email address and one mailing address for receiving requests – must post on website

Entity is not required to respond to any requests that do not come through the posted addresses

S.B. 944 "PIA Omnibus"



5

Public Information Act Updates

Gov't Code Chapter 552



TEXAS PUBLIC INFORMATION ACT INFORMATION REQUEST FORM

For guidance regarding your rights as a requestor and the public information procedures adopted by this governmental body, you may review the governmental body's notice required under section 552.265 of the Government Code. You can find additional Public Information Act resources on the Office of the Attorney General's website at <http://www.texasattorneygeneral.gov/open-government>.

Requestor Contact Information

First Name: Last Name:
Company/Organization:
Mailing Address:
City: State: Zip Code:
E-mail Address: Phone Number:
Preferred Manner of Written Communication: Standard Mail

Description of the Information Requested

(Note: Describe the information as precisely as you can.)

Date Range (optional): From: to:

Under the Public Information Act, some categories of information do not have to be released. Exceptions to disclosure fall into two general categories: 1) mandatory exceptions that make information confidential and require a governmental body to withhold information, and 2) discretionary exceptions that allow but do not require a governmental body to withhold information. You may find information about mandatory and discretionary exceptions [HERE](#).

In most instances, a governmental body is required to request a decision from the Attorney General in order to withhold information from a requestor. However, a requestor may permit a governmental body to redact information without requesting an Attorney General decision. You are not required to agree to the redaction of any information responsive to your request, but doing so may streamline the handling of your request. If you agree to redactions in this request, then you may request the redacted information in a future information request.

- Do you agree to the redaction of information that is subject to mandatory exceptions, provided such redactions are clearly labeled on the information you received? No
- Do you agree to the redaction of information that is subject to discretionary exceptions, provided such redactions are clearly labeled on the information you receive? No

INFORMATION PREFERENCES:

- How would you like to have the information provided? Copies
- If available, do you wish to receive an electronic copy of the information? No

Please Note: If the information requested is unclear or if a large amount of information is requested you may be contacted to discuss clarifying or narrowing your request. There may be charges associated with production of the requested information. You may find more information regarding the charges under the Public Information Act [HERE](#).

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6

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First appeared as part of the conference materials for the
15th Annual Advanced Texas Administrative Law Seminar session
"Open Government Update"