

2011 Public Information Act Updates including Status of Personal E-mails

George Hyde, Partner/Shareholder
2500 W. WILLIAM CANNON, SUITE 609
AUSTIN, TEXAS 78745
512.279.6431T
512. 279.6438F
george.hyde@rampage-aus.com

JENNAFER TALLANT, ASSOCIATE
2517 N. MAIN
SAN ANTONIO, TEXAS 78212
210.227.3243T
210.225.4481F
jennafer.tallant@rampage-sa.com

Disclaimer

The information is provided as a resource for general information about the 2011 legislative updates as they pertain to the Public Information Act, including the status of personal e-mails. Nothing provided should be used by the recipient as a source of legal advice. Each legal problem is different, and past performance does not guarantee future results.

The information provided does not create an attorney-client relationship between you and Denton, Navarro, Rocha & Bernal, P.C., nor is it intended to do so.

Status of Personal E-mails

- Who is Tommy Adkisson?
- Who does the PIA apply to?
- What or who is a governmental body?
- Who owns private, non-governmental e-mails?
 - Record retention laws v. PIA
 - City policies
- AG's current position

Practical Suggestions

- What does the PIA suggest?
- What about creating a policy that requires disclosure of e-mails within 72 hours, where City business is discussed?
- What happens if mayor or city employee leaves and refuses to turn over e-mails?
- How do you discipline, but more importantly, how do you legally retrieve?

Repeals & Additions to PIA in 2011

- Substantive changes relevant to cities
 - Repealed in its entirety
 - § 552.0037- Certain Entities Authorized to Take Property Through Eminent Domain
 - Added in its entirety
 - §552.0038 – Public Retirement Systems Subject to Law
 - §552.153 – Proprietary Records & Trade Secrets Involved in Certain Partnerships
 - §552.309 – Timeliness of Action by Electronic Submission
 - §552.0215-Right of Access to Certain Information After 75 years

Relevant Modifications to Cities

- Information is super public unless made confidential under Chapter 552 or other law. § 552.022
- Emergency contact information is excepted from disclosure. §§ 552.024; 552.117; 552.1175
- Information of current & former employees of AG whose division duties involve law enforcement is excepted from disclosure. §552.117

Relevant Modifications to Cities

- Driver's licenses or permits, motor vehicle titles or registrations, and personal identification documents issued by or from other states or countries. § 552.130
- Government Code, credit card, debit card, charge card, or access device numbers are confidential. §552.136
- A requestor modifies his request in response to requirement of a deposit or bond authorized by section 552.263? Modification is deemed separate request and received on date the governmental body receives the written modified request. § 552.263(e-1).

What Can be Excepted Without AG Opinion & How

- What
 - Public employee's personal information held by governmental body as employer. §§ 552.024, 552.1175
 - Driver's license information (State, Number). § 552.130
 - Access codes, charge card information. § 552.136
 - Family violence shelter center and sexual assault program information. § 552.135
- How
 - Automatically redact & send letter prescribed by AG to requestor

Where the AG's Letters Are

- In your notebook
- Online at

https://www.oag.state.tx.us/open/ord_forms.shtml

Lessons Learned – Practical Tips

- ORD 684
 - Tax information
 - Group One Reports/Credit Reports
 - W2s, W-4s, I-9s
 - Direct deposit forms
- Employee birthdates, .102 & the *Comptroller*
- Minors in Police Reports
- Patient information
- Submissions (supporting letters & marking up)

Questions?