Handling PIA Requests: Practical Tips

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PIA Legislation from the 85th Legislature

HB 1278 (Dutton/Miles)
Relating to availability of personal information of certain current and former prosecutors.

HB 1861 (Elkins/Watson)
Relating to the confidentiality of certain information related to a computer security incident

HB 3107 (Ashby/Nichols)
Relating to the production of public information under the public information law (Vexatious Requestors)

SB 42 (Zaffirini/Smithee)
Relating to the security of courts and judges in the state; establishing a fee

SB 79 (Nelson/Capriglione)
Relating to the production of public information available on a publicly accessible website
Latest PIA Case Law

City of Carrolton v. Paxton
490 S.W.3d 187, (Tex. App— Austin, March 31, 2016)

Boeing Company v. Paxton
466 S.W.3d 831 (June 19, 2015)

Greater Houston Partnership v Paxton
468 S.W.3d 51, (June 26, 2015)

Paxton v. City of Dallas
509 S.W.3d 247 (February 3, 2017)
Recordkeeping

What is your obligation, including ethical obligation, under the PIA when it comes to recordkeeping, especially emails or texts on council members’ or employees’ personal devices?

Reference: Gov’t Code §§ 552.002, 552.203, 552.204, 552.351
Responsive Documents

How do you make sure that you have every responsive document needed for a PIA request?

PLANNING
No challenge is too great if you plan ahead. And have pointy ears.
Appropriate Conversation with Requestors

How do you have an appropriate conversation with a requestor without violating the PIA and find out what information the requestor is really wanting?

Reference: Gov’t Code § 552.222
Subpeona Duces Tecem

What is the difference between a PIA request and a subpoena duces tecum?

Reference: Gov’t Code § 552.0055
Inspectors

How do you handle inspections?

Reference: Gov’t Code §§ 552.223, 552.224, 552.225, 552.226
Difficult Requestors

How do you handle difficult requestors?
PIA Tools

What tools have you used to help you deal with various PIA request?
Right of Access

What right of access does the city council have to information held by the city?

Do the council members have to make a PIA request?
Any Questions?
More PIA Information

• PIA
  – Open Government Hotline
  – (512) 478-OPEN (6736)
  – (877) OPEN-TEX or (877) 673-6839 (toll free)

• Record Retention
  – Texas State Library and Archives: Record Management Division
  – [https://www.tsl.texas.gov/slrm](https://www.tsl.texas.gov/slrm)

• TML
  – www.tml.org
  – (512) 231-7400