

# Handling PIA Requests: Practical Tips

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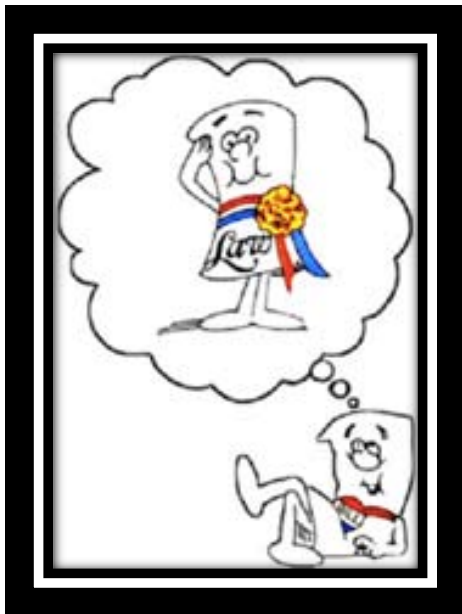
**Texas City Attorney Association Summer Conference**

**South Padre Island, Texas**

**June 14, 2017**



# PIA Legislation from the 85<sup>th</sup> 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 Carrollton v. Paxton***

490 S.W.3d 187, (Tex. App— Austin, March 31, 2016)

## ***Boeing Company v. Paxton***

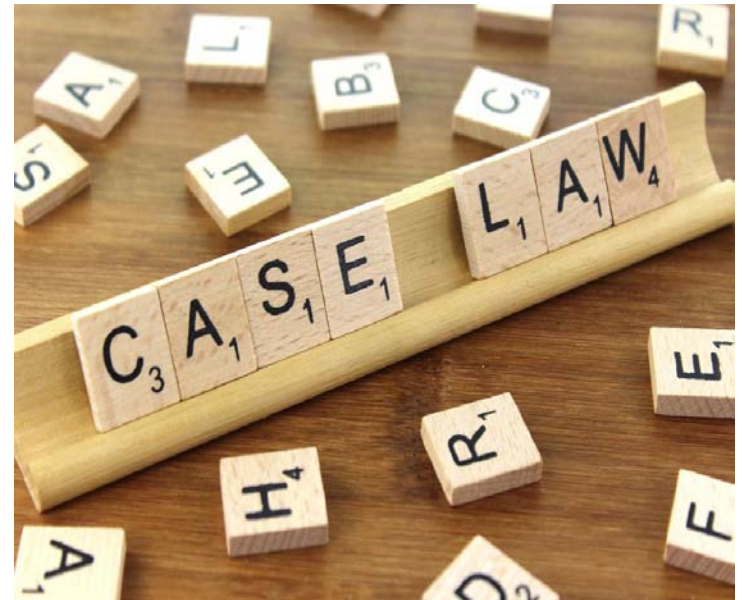
466 S.W.3d 831 (June 19, 2015)

## ***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?



# 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?

**SEAL OF GALVESTON COUNTY, TEXAS**

**SUBPOENA DUCES TECUM**

**SUBPOENA ISSUED IN THE NAME OF THE STATE OF TEXAS.**  
Enforcement of Subpoena: Contempt. Failure by any person without adequate excuse to obey subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a District Court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

*This Subpoena not prepared in the office of Doryn Danner Glenn, Galveston County District Clerk*  
Case No. \_\_\_\_\_ In the \_\_\_\_\_ Judicial District Court of Galveston County, Texas

**Plaintiff/Petitioner** vs. **Defendant/Respondent**

To any Sheriff, Constable of the State of Texas, or any Authorized Person Serving: You are hereby commanded to summon Witness Name: \_\_\_\_\_ Address: \_\_\_\_\_

To be and personally appear before the District Court # \_\_\_\_\_ located in the city of Galveston, Texas at 606 50th Street, on the \_\_\_\_\_ floor of the Galveston County Justice Center (County Building) at \_\_\_\_\_ o'clock \_\_\_\_\_ a.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

You and them to testify as a witness for a deposition/hearing/trial in the above styled and numbered cause now pending in said Court, and there attend the Court from day to day until lawfully discharged. The purpose of this appearance is to attend and give testimony at a deposition/hearing/trial, and produce personal possession and copying of designated documents or tangible things in the possession, custody or control of that person as described in the attached list. This subpoena was issued at the instance of \_\_\_\_\_

Check One:  Plaintiff(s)  Petitioner(s)  Defendant(s)  Respondent(s)

**DO NOT FAIL** to return this writ to said Court, with return thereon, showing the manner of execution.  
ISSUED this 6th day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Issued at the request of: **DORYN DANNER GLENN, District Clerk**  
Plaintiff/Defendant Name: \_\_\_\_\_ Galveston County, Texas  
Phone Number: \_\_\_\_\_ By: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Deputy District Clerk  
City, State, Zip: \_\_\_\_\_

**Proof of Service**

This subpoena came to my hand (date) \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ a.m., and was served on the named witness, on (date served) \_\_\_\_\_ The witness (or off) \_\_\_\_\_ was attached to subpoena when served.  
Signature of person serving subpoena: \_\_\_\_\_ Service by \_\_\_\_\_

Witness' acceptance of subpoena: I am the person named in this subpoena. I accepted the subpoena and the attached witness fee on (date and time of acceptance) \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ a.m. Witness's initials: \_\_\_\_\_

Revised May 2011

Reference: Gov't Code § 552.0055

# Inspections

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)
- OAG Public Information Act Handbook:  
[https://texasattorneygeneral.gov/files/og/PIA\\_handbook\\_2016.pdf](https://texasattorneygeneral.gov/files/og/PIA_handbook_2016.pdf)

- **Record Retention**

- Texas State Library and Archives: Record Management Division
- <https://www.tsl.texas.gov/slrn>

- **TML**

- [www.tml.org](http://www.tml.org)
- (512) 231-7400



