



# Statutory Reporting

Justin Gordon, Chief, Open Records Division

Tamara Strain, Assistant Attorney General, Open Records Division

Views expressed are those of the presenter, do not constitute legal advice and are not official opinions of the Office of the Texas Attorney General



## Section 552.010

(a) Each state governmental body shall report to the attorney general the information the attorney general requires regarding:

(1) the number and nature of requests for information the state governmental body processes under this chapter in the period covered by the report; and

(2) the cost to the state governmental body in that period in terms of capital expenditures and personnel time of:

(A) responding to requests for information under this chapter; and

(B) making information available to the public by means of the Internet or another electronic format.



# How Often Does an Agency Report?

- ▶ Reporting system is set up to capture statistics on a monthly basis
- ▶ You may correct or add information to past reports
- ▶ We suggest that you record and report your statistics at least quarterly



# Who Must Report?

- ▶ A state agency is defined in section 2151.002 of the Government Code:

Except as otherwise provided by this subtitle, in this subtitle, “state agency” means:

(1) a department, commission, board, office, or other agency in the executive branch of state government created by the state constitution or a state statute; [or]

(3) a university system or an institution of higher education as defined by Section 61.003, Education Code, except a public junior college.



# The Number and Nature of Requests (Slide 1 of 2)

- ▶ Reporting portal includes some of the most common categories:
  - Agency Publications
  - Contract Information
  - Meeting Agendas
  - Personnel Information
  - Criminal Investigations
- ▶ There are also blank spaces for an agency to list other types of requests



## The Number and Nature of Requests (Slide 2 of 2)

- ▶ Total number of requests completed
  - All written requests responded to under the Public Information Act

AND

- ▶ Total number of requests sent in for a ruling
  - Only those requests sent to the Attorney General's Open Records Division



# The Cost to the State Governmental Body

- ▶ Responding to requests for information
  - Written requests received under the Public Information Act
  
- ▶ Making information available to the public by means of the Internet or another electronic format
  - Without a written request
  - Posted somewhere any member of the public has access
  - Example: Meeting minutes or budgets posted on an agency's website



# Cost for Responding to Requests

- ▶ Estimated time spent preparing a request for ruling
- ▶ Estimated time spent redacting confidential information
- ▶ Under what authority are you charging?





# Time Spent Preparing Ruling

- ▶ Includes time spent:
  - Reviewing information to determine which exceptions apply
    - Both mandatory and discretionary
  - Drafting Briefs to the Attorney General's Open Records Division
  - Marking information for Open Records Division
- ▶ Includes time a government body is not allowed to recover under the cost rules



# Time Spent Redacting Confidential Information

- ▶ Time spent redacting confidential information after a ruling is received
- ▶ Time spent redacting confidential information without requesting a ruling
  - Sections 552.024, 552.130, and 552.136
  - Previous Determinations
    - Example: ORD 684



# Authority for Charges

- ▶ Cost Rules adopted by the OAG found in chapter 70 of title 1 the Administrative Code
- ▶ Statutes applicable to a specific agency or records
  - Example: Secretary of State may establish its own charges for certain information under section 405.031 of the Government Code
  - Note: Most agencies will not have authority to charge amounts outside of the Cost Rules found in chapter 70



# Money Received for Requests

- ▶ Actual amount received from requestors
- ▶ Includes deposits
- ▶ Does not include estimates or requests for deposits the requestor has not yet paid



# Cost for Providing Information

- ▶ Capital
  - Example: Cost of items like computers and copies used to provide information
- ▶ Personnel
  - The actual personnel costs to the governmental body



# Hypothetical One

- ▶ The OAG received a request for invoices and supporting documentation paid during the past month. The OAG has determined the following:
  - There are 200 responsive paper pages
    - OAG must make two copies of each in order to redact (one to mark, one to make sure information doesn't show through)
  - It will take the OAG 4 hours to complete the following tasks:
    - One hour to locate and compile the information
    - One hour to review in order to determine if any exceptions apply
    - Two hours to redact confidential account numbers



# What is the cost of providing the information?

- ▶ The actual cost for 400 copies
- ▶ Actual labor cost for four hours



## What charges could the OAG recover?

- ▶ 200 pages at \$0.10 per page
- ▶ Three hours at \$15.00
- ▶ If the OAG charged and the requestor paid, the OAG would report \$35.00 as the actual amount recovered from the requestor





## Hypothetical Two

- ▶ After receiving five more requests for invoices during the week, the OAG has decided to post this information on its website. What would the OAG report for making this information available?



## What items could be reported?

- ▶ The time spent gathering the information
  - If done periodically, count each time
- ▶ The personnel time its IT department spent uploading the information to its website
- ▶ An amount that accounts for the agency's capital resources being used



## Hypothetical Three

- ▶ An agency hasn't kept records for the past year.
  - How do you come up with your cost?
  - The number of requests?
  - The amount collected?



# What is the cost to an agency?

- ▶ Look at what resources the agency uses to respond to requests
  - May include all or a portion of a salaries for you Public Information Coordinator and support staff working on public information
- ▶ Calculate other capital/office expenses used to comply with requests
  - Costs of communicating with requestors
  - Examples:
    - Copy lease
    - Long distance
- ▶ Tip: ask your accounting department what information they track



# Number of Requests?

- ▶ Look at requests you have received



## The amount collected?

- ▶ Keep track by invoices or receipts
- ▶ Make sure a receipt is given to requestors paying in cash
- ▶ Do not count cost estimates the requestor did not pay



# How is collected information used?

- ▶ Biannual Report on OAG website
  - For the public
- ▶ Open Records Steering Committee



## Section 552.274 of the Government Code

- ▶ (a) The attorney general shall:
  - (1) biannually update a report prepared by the attorney general about the charges made by state agencies for providing information; and
  - (2) provide a copy of the report on the attorney general's open records page on the internet not later than March 1 of each even numbered year.





# Login Screen

## KEN PAXTON

[Intro](#) | [Reports](#) | [Requests](#) | [Incomplete](#) | [Others](#) | [Monies](#) | [Rulings](#) | [Handling](#) | [Redacting](#) | **[Agency Login](#)**

### Open Records Reports

We have updated the login process for open records reporting. If this is your first time logging in since the revision, you will be redirected to an account creation page where you will be prompted to change your password. If you experience any difficulty with this process or have any questions, please email [webmaster@texasattorneygeneral.gov](mailto:webmaster@texasattorneygeneral.gov).

#### State Agency Login:

Please enter your Agency Username, Email, and Password

*Forgot My Password*

\* Agency User Name:

\* Email:

\* Password:

Login



## Open Records Requests Summary State of Texas

[Exit Edit Mode](#)  
[Back to Listing](#)  
[Logout](#)

Agency:   
Month:  Year:

Open Records Contact Name and Phone Number:

OAG Report Contact Name and Phone Number (if different from above):

Category (See: <a href="#">Category Definitions</a> )	Number of Requests Completed
Agency publications	<input type="text"/>
Budget information	<input type="text"/>
Contract information	<input type="text"/>
Expenditures/Revenues	<input type="text"/>
Financial information	<input type="text"/>
Information regarding agency policies and procedures	<input type="text"/>
Litigation information (pending)	<input type="text"/>
Litigation information (closed)	<input type="text"/>
Meeting (agendas)	<input type="text"/>
Meeting (minutes and back-up materials)	<input type="text"/>
Names and voting records of agency officials	<input type="text"/>
Permit/license applications	<input type="text"/>
Personnel information	<input type="text"/>
Purchase orders	<input type="text"/>
Regulatory/reporting information	<input type="text"/>
Rules	<input type="text"/>
Student Directory Information	<input type="text"/>
Statistical Information	<input type="text"/>
Administrative Rulings/Final Orders	<input type="text"/>
Police Reports (Offense, Accidents, Etc.)	<input type="text"/>
Criminal Investigations	<input type="text"/>
Right of Access Information	<input type="text"/>
Other	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>



Number of requests referred to attorney general's office:

Estimated time your agency spent preparing a request for ruling:  hrs.

Estimate the time your agency spent redacting information pursuant to a mandatory exception:  hrs.

Does your agency charge for open records?

If yes, are the charges established by?

If your charges are authorized by other statutes, please give cite:

Monies received for Open Records Requests (Count all monies received, including deposits for pending requests):

[Do not use commas.] \$

Cost of providing information requested:

[Do not use commas.]

	Non-web	Web
Capital:	\$ <input type="text"/>	\$ <input type="text"/>
Personnel:	\$ <input type="text"/>	\$ <input type="text"/>

Factors taken into consideration when calculating costs:

Did your agency provide open records/public information training (either in-house or otherwise) to employees this month?

Does your web site have contact information for open records/public information requests?

Does your web site have a link to your open records policies and procedures?

Please send comments to:

**Postal Mail:**

Education and Enforcement Section

Open Records Division

Office of the Attorney General

P.O. Box 12548

Austin, Texas 78711-2548

Status:



Questions?



## **Additional Resources**

### **OAG's Open Government Hotline**

**(877) OPEN TEX**

**(512) 478-6736**

### **Cost Questions**

**OAG Cost Rules Administrator**

**(888) OR-COSTS**

**(512) 475-2497**

### **OAG website**

**<http://www.texasattorneygeneral.gov>**