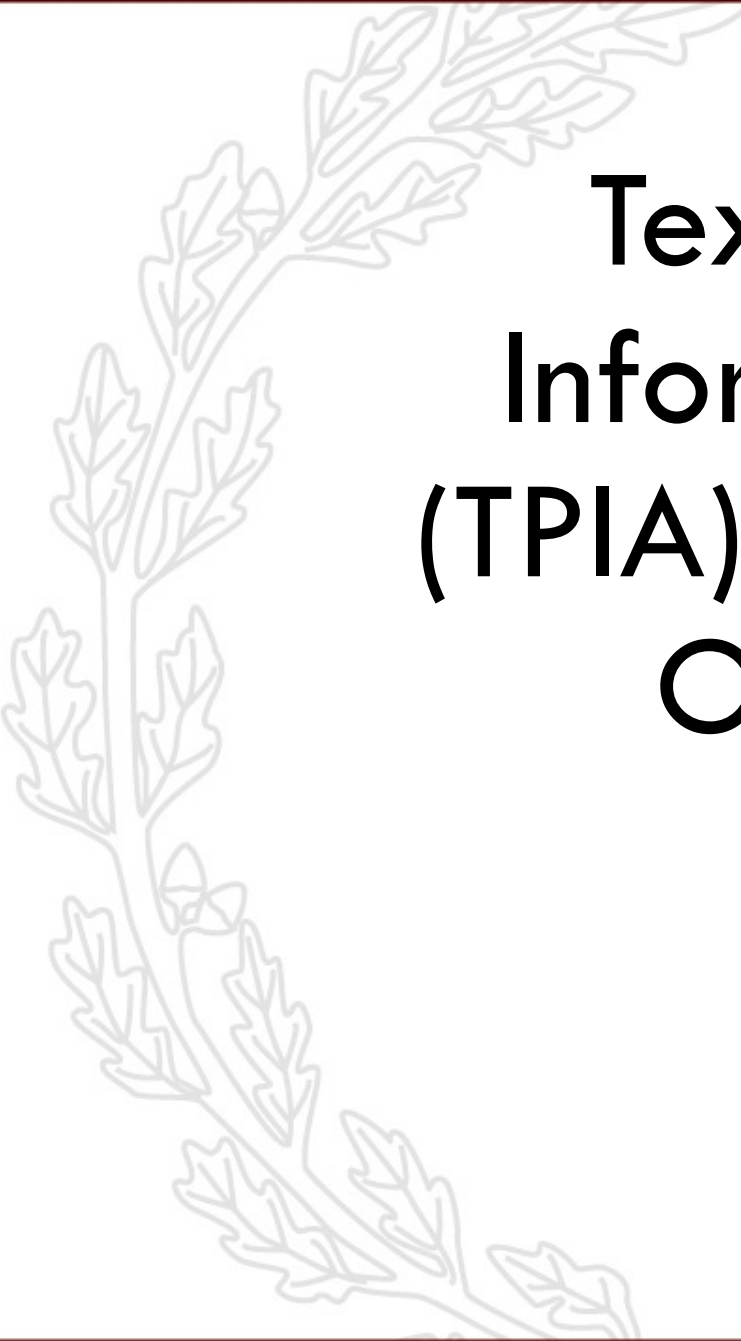


Texas Public Information Act Compliance Update

The Texas A&M University System Office of General Counsel

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Texas Public Information Act (TPIA) Compliance Overview

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How does the TPIA affect employees?

- Any department/area may be required to provide information in response to a public information request.
- You may be required to provide information in response to a public information request. This can include:
 - Information maintained or controlled by the department;
 - Information from your personal device(s) or accounts.

What are our obligations as employees?

- Follow the university's process for responding to public information requests.
- Maintain information as required by the university.
 - Confidential information standards
 - Records retention requirements
 - Applicable information security and management standards
- Understand how the TPIA impacts your department/area's written information.

What are our obligations as employees?

- University employees, in their capacity as an employee, should not make public information requests to the university.
- Why not? Job-related information can be obtained from the appropriate area of the university as authorized.
- Public information requests submitted in an employee's private capacity should not be submitted using a university email account (to avoid confusion).

What does the TPIA require?

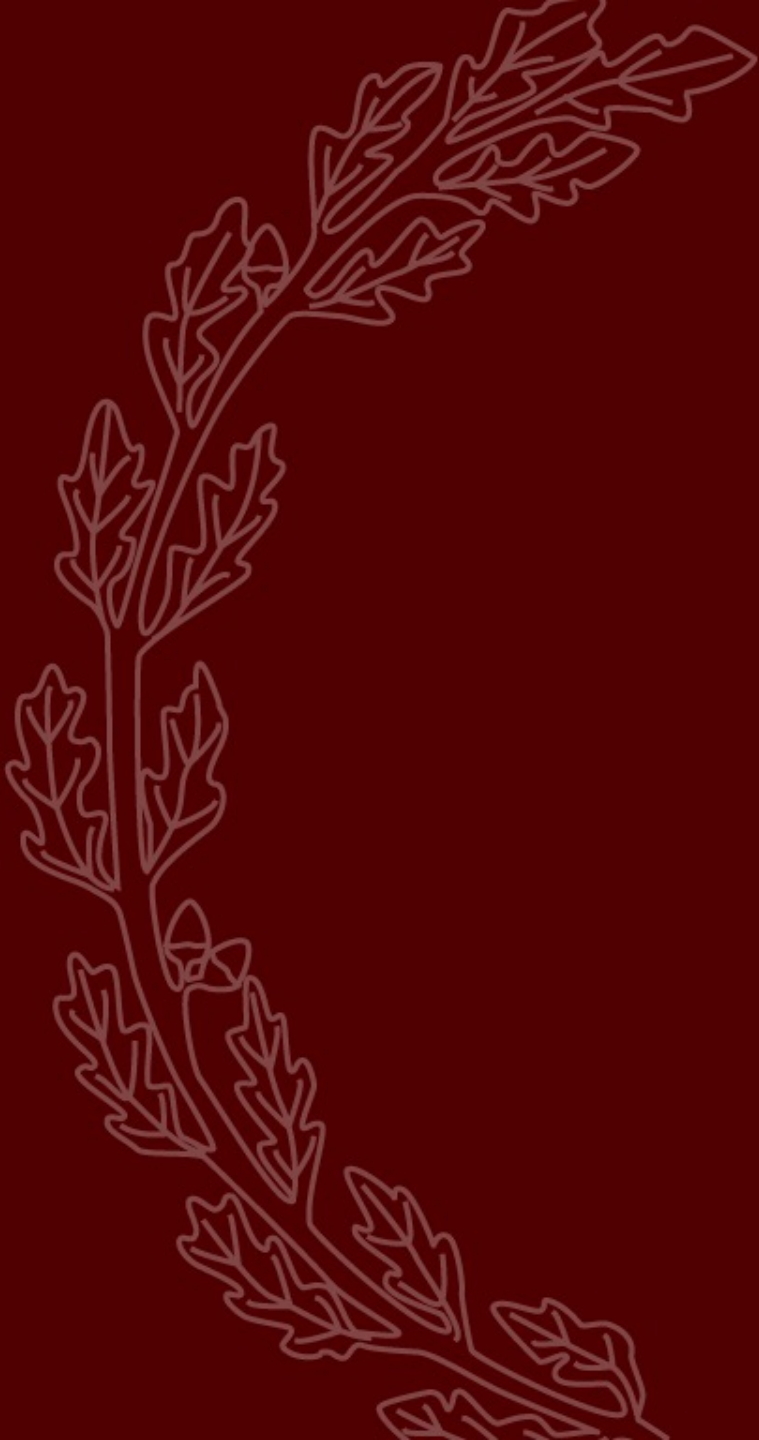
- The university is required to provide “public information” in response to a written request.
- The response deadline is 10 business days/“promptly”.
- The TPIA has civil and criminal penalties, including attorney’s fees.

What does the TPIA require?

- The university processes requests through its designated public information officer/coordinator, who gathers requested information from relevant departments or units and coordinates the university's response.
- To withhold or redact excepted information, the university must seek a letter ruling from the Office of the Attorney General (AG), unless the requestor authorizes redactions, or the exception does not require a ruling.
- OGC confirms the applicability of exceptions and prepares and submits any AG correspondence.

What is “public information”?

- Existing recorded information in any media/format
 - University or personal devices/accounts
 - No requirement to create responsive information
- Relates to university business
- Maintained by/for the university



Recent Changes to the TPIA

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Recent Changes to the TPIA

- Definition of “business days” (excludes university holidays)
- AG E-filing
- Post-letter ruling deadlines and actions (estimate, disclose, notices, etc.)
- AG letter ruling website (rulings and request for rulings)
- Changes to law enforcement exception (prompt release of basic information, etc.)
- Confidentiality of NIL contract information
- Since 2019-more “contracting information” must be disclosed

What
information
should you flag
for review?



Watch out for these categories

- Applicant and student information
- Competitive or proprietary research information
- Compliance investigations or reviews
- Confidential employee information
- Security-related information (cyber or other)
- Police reports and video
- Donor information
- Legislative communications
- Policymaking documents
- Attorney-client communications
- Third-party proprietary information

Best Practices

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Best Practices

- Manage your information
- Limit distribution of communications (cc's, recipients, short email strings, etc.)
- Be thoughtful in what you create, maintain, send
- Pay special attention to confidential or sensitive information
- Avoid personal accounts for university business (email, messaging, social media, etc.)
- Ask: do we need meeting minutes? If so, how specific should they be?

Questions?

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