



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

## Operating Policy and Procedure

**HSC OP:** 01.03, **Custodian of Public Records**

**PURPOSE:** The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to define the steps involved for the release of information and collection of any charges for copies if a request should arise pursuant to the Texas Public Information Act.<sup>1</sup>

**REVIEW:** This HSC OP will be reviewed on May 1 every four years (E4Y) by the Vice Chancellor and General Counsel, with recommendations for revisions forwarded to the President.

### **POLICY/PROCEDURE:**

1. The President of Texas Tech University Health Sciences Center (TTUHSC) is the custodian of all official records on campus. As custodian, the President is responsible for ensuring that records are made available to the public except where the information is deemed confidential by law.
2. As custodian of public records, the President has designated the Vice Chancellor and General Counsel for TTUHSC as the agent for public records for TTUHSC.
3. A request for public and/or open records should be in writing and should specify what records or information is sought. Once the request is received by TTUHSC, it shall be forwarded immediately to the department head and the Office of General Counsel. The Office of General Counsel will determine whether the information is public and releasable, non-public and non releasable, or whether an Open Records Decision should be requested of the Attorney General.
4. The Office of General Counsel will notify the appropriate department head of its determination. If the information is deemed to be public, the Office of General Counsel will determine whether the records will be made available for inspection and copying by the requestor, or reproduced and sent directly to the requesting party.
5. If the release of information is authorized, the office responsible for the particular records is to coordinate the response and the necessary preparation of data and the collection of any charges in accordance with Paragraph 7 of this HSC OP. If there is a charge, the information should not be released until payment is received by Texas Tech University Health Sciences Center.
6. The offices responsible for the particular records are as follows:

| DEPARTMENT .....  | TYPE OF RECORD   |
|---|--|
| Registrar's Office .....                                  | Academic Records   |
| Academic Chairpersons .....                               | Academic Records   |
| Graduate Programs Office, TTU .....                       | Academic and Admissions Records  |
| Registrar's Office .....                                  | Admissions Records   |
| Associate Dean, Academic Affairs, School of Medicine..... | Admissions Records   |
| Registrar's Office .....                                  | Registered Student Organization Records  |
| Dean of Schools .....                                     | Disciplinary Records   |
| Texas Tech Police .....                                   | Campus Security Records  |
| Director, Accounting Services .....                       | Financial Records  |
| Director, Student Financial Aid.....                      | Financial Aid Records  |
| Director, Student Health Center .....                     | Medical Records  |
| Director, Medical Records .....                           | Medical Records  |
| Director, Business Office .....                           | Patient Billing Records  |
| Director, International Program, TTU .....                | International Student Personnel Records  |
| Assistant VP, Human Resources .                           | Personnel Records of Faculty, Classified, Professional, Administrative and Executive Employees |

<sup>1</sup> Tex. Govt. Code § 552.001, et seq.

7. **Charges for Requested Records and Information.**

a. Charges for copying requested records and information shall be made in accordance with the following schedule:

(1) A charge of less than \$15.00 will not be made for copying and supplying records and/or information. However, if an individual requestor receives separate items of information over a short period of time and for which the individual charges would be less than \$15.00, the requesting department may accumulate such individual charges into a single billing, provided it is \$15.00 or greater.

(2) **Standard-size Copy.**

(a) The charge for readily available information on standard-size paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page. A standard-size copy is defined as a printed impression on one side of a piece of paper that measures no greater than 8½ by 14 inches. Each side of a piece of paper on which an impression is made is counted as a single copy.

(b) Readily available information is defined as information that already exists in printed form, or information that is stored electronically and is ready to be printed or copied without requiring any programming, or information that already exists on microfiche or microfilm. Information that requires a substantial time to locate or prepare (where location and preparation are a necessity and not as a result of inefficient record keeping) for release is not readily available information.

(3) **Nonstandard-size Copy.** The charges for nonstandard copies are:

|                          |                                      |
|--------------------------|--------------------------------------|
| Paper Copy               | \$ .50 each side of a piece of paper |
| Diskette                 | \$ 1.00 each disk                    |
| Computer Magnetic Tape   | Actual Cost                          |
| VHS Video Cassette       | \$ 2.50 each cassette                |
| Audio Cassette           | \$ 1.00 each cassette                |
| Data Cartridge           | Actual Cost                          |
| Tape Cartridge           | Actual Cost                          |
| Rewritable CD (CD-RW)    | \$1.00 each disk                     |
| Non-rewritable CD (CR-R) | \$1.00 each disk                     |
| Digital video disk (DVD) | \$3.00 each disk                     |
| JAZ drive                | Actual Cost                          |
| Other electronic media   | Actual Cost                          |

Nonstandard-size copy is defined as any other paper copies greater than 8½ by 14 inches or supplied to the requestor in any other medium such as microfiche, microfilm, diskettes, magnetic tape and CD-ROM.

(4) **Personnel Charge.**

(a) The charge for personnel costs incurred by a department or office in processing a request for public information is \$15.00 an hour. Where applicable, the personnel charge should be prorated to recover the cost for personnel time spent to take requests, locate documents and reproduce requested information.

(b) A personnel charge may not be assessed for requests that are for 50 or fewer pages of readily available information on standard-size form, unless allowed by state law.<sup>2</sup>

<sup>2</sup>Tex. Govt. Code § 552.261

- (c) Personnel time should not be recovered for any time spent by any person who reviews the requested information to:
  - 1. Determine whether TTUHSC will raise any exceptions to disclosure of the requested information under subchapter C of the Texas Public Information Act;
  - or
  - 2. Research or prepare a request for a ruling by the Attorney General's Office pursuant to subchapter G of the Texas Public Information Act.
  
- (5) **Overhead Charge.**
  - (a) A department or office may include in the charges both direct and indirect costs, in addition to a personnel charge when requested to supply information that is not readily available or which will be greater than 50 pages of paper copies of readily available information. The overhead amount assessed will be 20 percent of the personnel charge.
  
  - (b) An overhead charge may not be made for requests for readily available information of 50 or fewer pages of readily available information in standard-size form.
  
- (6) **Microfiche and Microfilm Charge.** If the department or office has information that exists on microfilm and it has a method of producing copies from the microfilm, the charge shall be \$.10 per page plus a charge to cover any personnel time spent in making the copies (see (3) Personnel Charges ). If the requestor prefers to have a copy of the fiche or film, itself, and the information on the fiche or film can be released in its entirety, the department or office may make a copy of the fiche or film and charge for the cost of having such a copy made.
  
- (7) **Remote Document Retrieval Charge.** Due to limited on-site capacity of storage of documents, it is frequently necessary for departments to store information that is not in current use in remote storage locations. To the extent that retrieval of documents in remote locations results in a cost to the department or office to comply with the request, it is permissible for an assessment to recover costs of such services. Only personnel time outlined in compliance with the definition of "Readily Available Information" in paragraph "(2) Standard Size Copy" and in paragraph "(4) Personnel Charges" should be added to copy costs.
  
- (8) **Computer Resource Charge.** When the retrieval of the information request requires the accessing of the Health Sciences Center's and/or University's computing system, the following charges shall be assessed:
  - (a) TTU Administrative System (IBM) - \$9.75 per minute of CPU time.
  - (b) TTU Academic System (VAX) - \$1.50 per minute of CPU time.
  - (c) HSC System (VAX) - \$1.42 per minute of CPU time.
  - (d) Individual PC systems - \$1.00 per hour of actual or real time.

If the request requires the use of the programming staff, a charge of \$28.50 per hour shall be assessed.
  
- (9) **Miscellaneous Supplies.** The actual costs of any miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information shall be added to the total charge for the requested information.
  
- (10) **Postal and Shipping Charges.** Any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party shall be added to the cost.

- (11) **Fax Charge.** The charge for a fax of the requested information which will be transmitted locally shall be \$.10 per page. The charge for long distance transmission shall be \$.50 per page for a fax sent within the 806 area code and \$1.00 per page for a fax transmitted to all other area codes.
- (12) **Sales Tax.** Sales tax should not be added on charges for public information.
- b. **Access to Information Where Copies Are Not Requested.** No charge should be assessed for making available for inspection any public information maintained in a paper record, except as allowed by law.<sup>3</sup> In addition, no charge should be assessed for inspection of any public information in an electronic record, unless complying with the request will require programming or manipulation of data.<sup>4</sup>
- c. Funds received from the requestor shall be deposited back to the account incurring the cost of copying the records and/or information (see HSC OP 50.26 for instructions relating to such deposits).
- d. Before the 30th day after the date on which a regular session of the legislature convenes, the Executive Vice President shall submit a report to the Lt. Governor and the Speaker of the House of Representatives. The report shall describe TTUHSC's procedures for charging and collecting fees for copies of public records.

<sup>3</sup> Tex. Govt. Code § 552.271

<sup>4</sup> Tex. Govt. Code § 552.272