

Texas Public Information Act (Ch. 552, Government Code)

- The Texas Public Information Act (PIA) guarantees the public copies of or access to “public information.” The PIA defines “public information” to mean information that is collected, assembled, or maintained in connection with the transaction of official business by a governmental body or for a governmental body if the body owns or has a right of access to the information.
- Public information includes written correspondence (hard copy or electronic) related to System business that is sent or received by a System employee in his or her capacity as an employee. This also includes any other written documents related to official university business. Several examples would be faculty promotion and tenure documents, a faculty member’s scholarly research and publications, correspondence between a faculty member and a student, and correspondence related to academic administration.
- Public information does not include: personal correspondence of System employees that is unrelated to System business (whether or not maintained by the System).
- The PIA imposes mandatory statutory deadlines on the requestor, the governmental body and the Attorney General’s office. Information is required to be provided promptly to the requestor OR a decision by the Office of the Attorney General (OAG) must be requested within 10 business days after the request is received. The Office of General Counsel prepares and submits a brief to the OAG. Unless the information is confidential, exceptions to disclosure are waived if we fail to timely seek an OAG decision.
- If a System employee receives a request for public information via hand-delivery or mail, the request should be forwarded to the institution’s designated Public Information Act officer/coordinator as soon as possible after receipt. If an employee receives an email or fax requesting public information, the employee should ask the requestor to submit the request directly to the institution’s designated Public Information Act officer/coordinator. Please note, an employee should not forward the request directly to the institution’s designated Public Information Act officer/coordinator, because fax and email requests are not officially considered requests under the PIA unless they are received by the designated public information officer.
- The PIA provides that certain categories of information are subject to exception from public disclosure. The exceptions are either permissive or mandatory, meaning the information is confidential by law. Permissive exceptions may be waived at the discretion of the governmental body or by missing statutory deadlines for seeking a decision from the OAG. Mandatory exceptions cannot be waived.
- The general rule is that a governmental body may not withhold information from disclosure under the Public Information Act without seeking a decision from the Office of the Attorney General. Some exceptions allow information to be withheld or redacted without a decision, but these are rare.

- Notable examples of permissive exceptions include attorney-client communications, audit working papers, information relating to a specific pending negotiation or competitive situation, or information relating to anticipated or actual litigation.
- Notable examples of mandatory exceptions include information made confidential by other law (statutory, constitutional, or common law) such as FERPA, third-party trade secrets or proprietary information, certain information related to System or member compliance reviews or investigations, certain research and commercialization information, certain personal information of current or former System officers or employees (home address, telephone number, SSN, and whether the person has family members).