International Municipal Lawyers Association
2018 Annual Conference
Houston, Texas

October 19, 2018

Public Information Act:
How to Effectively Intake, Process, and Respond to Requests

Dawn Roberts
Assistant City Attorney
City of Arlington

©2018 International Municipal Lawyers Association. This is an informational and educational report distributed by the International Municipal Lawyers Association during its 2018 Annual Conference, held October 17-21, 2018 in Houston, Texas. IMLA assumes no responsibility for the policies or positions presented in the report or for the presentation of its contents.

Public Information Act:
How to Effectively Intake, Process, and Respond to Requests

Why is it important to effectively intake, process, and respond to a public information request? Failing to respond, providing inadequate responses, or releasing confidential information could lead to lawsuits, criminal penalties, and fines, as well as damage to the reputation of your organization or loss of trust from the public. To avoid these risks, it's important to have the right tools and have a process in place to allow you to effectively process and respond to requests.

Many cities find it difficult to respond to the growing number of requests. Having an electronic management system can be an efficient tool when processing requests. Some of the benefits of having an electronic management system is that it allows the requester to submit his request online, choose the type of records he is requesting so that the request is assigned to the appropriate department, and agree to certain exclusions so that information may be redacted rather than having to request a ruling from the Attorney General. It also allows you to document your actions and communication with the requester in the event the city's handling of a request is ever questioned.

Training is essential when processing requests. All city personnel should have an understanding of the open records process, including being able to identify common types of confidential information and being aware of deadlines. Also, having a designated liaison in each department who is the point of contact for requests will make it easier to coordinate between departments. The liaison should be familiar with the records maintained by that department and aware of where the information is located.

Although each department may know where information is located, being able to quickly gather and produce the information can be a challenge. Not only are the number of requests increasing, the amount and format of information is also increasing. For example, a request for all emails sent to or from a specific employee could produce a large volume of emails and be time consuming to collect and review. Having software to assist in gathering the information can save time and reduce the risk of not locating responsive information. The nature or format of information is also increasing. Requests for body worn camera footage, text messages on personal devices, and social media posts are formats of information that cities didn't have to deal with in the past. Knowing the rules, deadlines, and retention periods for new types of information will allow you to effectively respond to these requests without missing crucial deadlines.

Identifying when to request a clarification or send a cost estimate is beneficial. Both have rules that will toll the deadline to provide a response. Knowing those rules and being able to use them to your benefit will save time and resources.

When dealing with public information requests, it is crucial to have a process in place to easily facilitate the intake, processing, and response. Having the right tools, such as an electronic management system or software to assist in gathering information, will increase efficiency and decrease the time it takes to respond. Also, an essential part of the process should include training so that employees are able to identify confidential information and are aware of the deadlines that apply so that only publicly releasable information is being released.

For information regarding the rules and application of the Public Information Act, or to download the Public Information Act Handbook, please visit the Texas Attorney General's website at https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act.