

# Texas Public Information Act

Presentation for the Trinity River Corridor LGC Board Meeting

# Articles and Bylaws

- Are we a governing body?
  - According to Chapter 552 of the Texas Government Code, the Texas Public Information Act, the term “governmental body” encompasses all public entities in the executive and legislative branches of government at the state and local levels.”
  - Article 1.01 in the LGC Bylaws states that the “Trinity River Corridor Local Government Corporation (the “Corporation”) is a public nonprofit corporation organized under the laws of the State of Texas for the purpose of aiding, assisting and acting on behalf of the City of Dallas, Texas (the “City”)...”
- Are we subject to open records?
  - As set forth in its bylaws and pursuant to the provisions of Subchapter D, Chapter 431, Texas Transportation Code (the “Act”) Sec. 431.005, “[t]he board is subject to Chapter 552, Government Code.”
- Which rules apply to us?
  - Article VIII Section 8.3 of the Master Development and Use Agreement confirms that the Corporation “shall comply with Chapter 552 of the Texas Government Code, the Texas Public Information Act...” and that if the city of Dallas receives an open records request for the Corporation’s records, the Corporation’s records “shall be made available for disclosure promptly to avoid any violation of law...”

# Email Addresses

- Personal email addresses
  - Example: litigation over a former councilmember forwarding an email to their personal email address to read at home later
- Conducting official city business
- Emailing a quorum (reply all and forwarding)
  - Open Meetings Act
- Email retention
- DO NOT DELETE ANYTHING RESPONSIVE IF YOUR EMAILS ARE SUBJECT TO AN OPEN RECORDS REQUEST

# Helpful Email Sorting Tips

## RELEASE

- Releasable in its entirety, just the way it is

## DO NOT RELEASE

- Not releasable in its entirety
- May require a second evaluation once the AG has ruled

## NON-RESPONSIVE

- Not to be released for any reason due to being non-responsive

## QUESTION

- Should be sent to your coordinator or the Open Records Center in the CSO for review on how to proceed/sort

## RELEASE WITH REDACTIONS

- Portions are releasable and may require redactions
- Could be a mixture of non-responsive information intertwined with other responsive information
- May require a second evaluation once the AG has ruled

# Cell Phone Usage

- Is my personal cell phone subject to open records?
- Call logs, text messages, and voicemails
- Conducting official city business
- DO NOT DELETE RESPONSIVE INFORMATION IF YOUR DEVICE IS SUBJECT TO AN OPEN RECORDS REQUEST

# Public Access Forms

- AG Ruling Letter No. OR2009-15105 (Handout)
- On file with the City Secretary's Office

# Let's Touch on Social Media

- Conducting official city business
- Watch out for a quorum (Open Meetings Act)

# Common Exceptions

- Overview of common exceptions to disclosure
- Checklist letter
  - No AG determination will be needed if everything desired to be withheld is located on the checklist letter
- 2020 Texas Public Information Handbook is available online
  - Ask your coordinator or the Open Records Center in the CSO for the link



# Overview of Open Records Process

- 10 day deadline
- 15 day deadline
- See handout

Presented by:  
The Dallas City Attorney's Office

Trinity River Corridor Local Government Corporation Board Meeting

October 30, 2020