

CITY OF PLANO POLICIES AND PROCEDURES

117.000

Department Name: Public Information
Procedure: Open Records Requests

Effective Date: 3/31/06
Revision Date(s): 3/31/06, 6/30/06
Review: Annual: 3/31/07

I. Purpose

To provide a system of policies and procedures to follow in handling all Open Records Requests.

II. Policy

To ensure compliance and uniformity for the handling of all Open Records Requests.

III. Definitions

Public Information means “information that is collected, assembled, or maintained under a law or ordinance in connection with the transaction of official business.”

IV. Procedures

All Open Records Requests (ORR) received by the City should be processed in accordance with the following policies:

- A. A request for copies of public records or documents shall be in writing, must be addressed to the City’s Public Information Officer or the appropriate City Department and must state with specificity the public records or documents being requested.
- B. The request may be mailed, faxed, hand-delivered, or sent via electronic mail (“e-mail”) to the City.
- C. Verbal requests for copies of City ordinances, resolutions, or any other routine public document may be accepted at the discretion of each Department Head.

V. Processing Requests

- A. Pursuant to City Council policy, copies of documents or records that are ten (10) pages or less should be provided free of charge.
- B. For all other Open Records Requests, a Tracking Form shall be initiated by the City Department receiving the request. The purpose of the Tracking Form is to make sure that the ORR is processed and responded to within the proper time frame and in accordance with these specific policies.

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- C. If the ORR seeks documents or records from only one City Department, then that Department Coordinator shall prepare the Tracking Form and process the ORR through to completion.
- D. However, if the ORR requests documents or records from more than one city department, then a copy of the tracking form and ORR must be immediately forwarded to Susan Helt, Director of Public Information.
 - 1. The Public Information Director, along with the receiving Department ORR Coordinators shall review and refine the ORR initially, seek clarification from Requestor where necessary and determine which Department ORR Coordinator shall assume primary responsibility for processing the ORR.
 - 2. At this point, the assigned Department Coordinator shall take over the tracking form, process the ORR, gather the responsive documents, calculate the charges and notify the Requestor when the documents are ready.
 - 3. All City departments possessing records or documents responsive to the ORR shall cooperate fully with the assigned Department Coordinator and assist them as necessary to get out a timely response.
- E. The City Attorney's Office (CAO) will serve in an advisory capacity on ORR to their respective assigned departments.
 - 1. If a Department Coordinator has a question about whether a document contains information which may be deemed private, confidential, proprietary or shielded from production by the litigation/claim exception to the Public Information Act, he/she should contact his/her assigned attorney for assistance.
 - 2. Due to the short time frame for requesting Attorney General opinions, the Department Coordinator should raise these issues with the appropriate attorney within three (3) business days of receiving the ORR. The CAO shall determine whether an Attorney General opinion is required, and if necessary, will process the AG opinion request.
- F. Any ORR seeking documents or records from the Mayor or any City Council Member shall be forwarded to the City Manager for determination and processing.

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- G. Each department is to designate a minimum of one ORR Coordinator and one alternate.
 - 1. Each Coordinator and Alternate must attend ORR training. Once an ORR is received, it is the responsibility of the departmental ORR Coordinator to initiate the tracking form, compile the requested information, and contact the Requestor when the information is ready.
 - 2. All requests for public information shall be responded to promptly.
 - 3. The Departmental ORR Coordinator should be one with sufficient authority and responsibility in the department to handle the requests and, if needed, make key decisions on the retrieval of the information.

VI. Processing Fees

- A. All requests for public information will be processed and charged consistent with these specific policies.
 - 1. Pursuant to Council Resolution, there is no charge for photocopies of standard size documents of ten (10) pages or less.
 - 2. All other copy jobs are .10 cents per page for standard size copies (up to 8.5 x 14”).
 - 3. Charges for oversized photocopies and copies of plans, mylars, audio and video cassettes and DVD’s, are set by the Texas Building and Procurement Commission of the State of Texas.
- B. A personnel or labor charge of \$15/hour may be assessed for any request exceeding 50 pages or that requires the City to retrieve documents from two (2) or more physically separate buildings or from a remote storage facility. The personnel/labor charge is based on the hourly rate set by the Texas Building and Procurement Commission, not by the hourly rate of the employee doing the work.
- C. An overhead charge of 20% of the personnel/labor charge may also be assessed to the Requestor to cover such costs as depreciation of capital assets, equipment maintenance and repair, rent, utilities and administrative overhead.

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1. The overhead charge may only be assessed in those situations where the city is allowed to assess a personnel/labor charge or programming charge.
 2. For example, if one hour of personnel/labor is required to respond to a request for public information (which exceeds 50 pages of copies or requires City to retrieve documents from two (2) or more separate buildings or from a remote storage facility) the overhead charge would be calculated as $\$15.00 \times .20 = \3.00 . Combined personnel and overhead charge would be $\$15.00 + 3.00 = \18.00 .
- D. There is no personnel/labor charge for requests to inspect City documents or records unless the records are more than five (5) years old, or the request, when assembled, will completely fill six (6) or more archival boxes.
1. In that event, a personnel/labor charge may be assessed in accordance with the rates established by the Texas Building and Procurement Commission of Texas.
 2. The City may also assess a copy charge for each page that is photocopied and redacted before inspection by the requestor;
- E. Open Records Requests shall be retained by the responding department for a period of one year from the date the records were produced or mailed to the requestor. The records retained shall include the request, tracking form, copies of documents produced (or summary of the documents produced if documents are already being permanently retained) summary of charges and any related correspondence.

VII. Forms

- Appendix A Open Records Request Form
- Appendix B Tracking Form
- Appendix C Sample Response Letter
- Appendix D Open Records Fee Schedule
- Appendix E Flow Chart for Public Information Process



Open Records Request (ORR) for Information:

(PLEASE PRINT ALL INFORMATION. For Walk-in or Internet requests. Please use black ink or complete on-line)

Date of Request: _____

Requestor's Name: _____

Requestor's Phone Number: _____

Requestor's Email: _____

Requestor's Contact Address: _____

In accordance with the Texas Public Information Act, I am requesting the following documents/records from the City of Plano. I understand that I may either schedule a mutually acceptable time with the City to review these documents/records in person or I may request that these records be photocopied and mailed to me. I understand that there is a charge of ten cents (\$.10) per page for standard sized photocopies (up to 8.5" x 14"), and additional charges for non-standard sized documents or for documents/records retained in another media (See ORR Fee Schedule on City Website). The City may also charge ten cents (\$.10) per page for all documents that contain confidential information and must be redacted before they can be viewed by the public. Copies of documents ten (10) pages or less will be provided free of charge pursuant to City policy.

I understand the City may charge requestor for personnel time if the request is more than fifty (50) pages long or if records have to be pulled from two (2) or more separate buildings or from a remote storage building. I also understand that I may request an estimate of the charges before ordering copies of the documents/records requested. If the City determines that compiling or photocopying the requested documents/records will exceed \$40.00 in charges, a written estimate of charges will automatically be generated and provided to requestor.

I understand that I must respond to the estimate of charges within ten (10) days, in writing, and inform the City whether I will accept the charges or my request for information will be deemed withdrawn.

Information Requested: (please be as specific as possible): _____

Signature of Requestor

Date

Office Use Only

Date Received: _____

ORR received via:

Hand Delivered Email
Mail Other _____
Facsimile

Copy Deposit: \$ _____ Cash
 \$ _____ Check
 \$ _____ Credit Card

Request Forwarded to: _____
Date



City of Plano Open Records Request Tracking Form for ORR Coordinators

Requestor: _____ Date Request Received: _____

Assigned to: _____ Date: _____

Department / Coordinator

Clarification Letter: YES NO _____
(Date)

Time Extension Letter: YES NO _____
(Date)

Cost Estimate Provided: YES NO _____
(Date)

Requestor Accepted Charges: YES NO

No Response to cost estimate within 10 days; request withdrawn

AG Opinion Requested: _____
(Date)

Attorney Handling: _____

- _____ Request for Opinion to AG (within 10 business days)
- _____ Copy of AG Request sent to Requestor (within 10 days)
- _____ Copy of Records to AG or representative sample to AG (within 15 days)
- _____ Copy of Request to Third-Party owner of proprietary information (if applicable)

AG Response Received: _____
(Date)

- _____ Records to be disclosed
- _____ Records not to be disclosed
- _____ Records redacted and disclosed
- _____ See AG Opinion for further direction
- _____ Copy of AG Opinion sent to Requestor

Requestor notified by letter, email, fax or telephone (please circle and date)

Date: _____

- _____ Records compiled for inspection by Requestor
- _____ Copies made and sent to Requestor
- _____ Copies made and picked up by Requestor
- _____ Copies redacted (if necessary)
- _____ Copies never picked up by Requestor
- _____ Extra copy filed per retention requirement
- \$ _____ Total Charge (see attached fee schedule)

Multiple departments involved. Coordinator appointed: YES NO

Coordinator Assigned: _____

Name: _____ Date: _____

Requesting Clarification

July 22, 2004

Mr. Rob Davis
6536 Crown Forest Drive
Plano, Texas 75024

Re: Open Records Request dated July 14, 2004

Mr. Davis:

In response to your open records request dated July 14, 2004, the engineering and building inspection departments have compiled documents responsive to your request. Please see the following:

Request No.1: The documents responsive to this request are available for inspection at the City Municipal Center on reasonable notice. Please call Elaine to schedule a time for you to review these documents.

Request No.2: This request requires more clarification from you before we can provide a response. In your request for information you asked for documents in which the City reviewed or approved "mechanisms to deal with the improper drainage and steep slopes between the two subdivisions." You need to clarify what documents you are looking for here. As you know, there are various drainage and grading plans that were submitted to the City for the two subdivisions, as well as preliminary plats and final plats that were filed and approved over a span of years. Once you provide clarification about the specific documents you are seeking, we will make the documents available for inspection and or copying.

Request No.3: No such documents exist. Further, no variance was granted under Section 1.11 of the Subdivision Ordinance for either the KG or KR subdivisions.

Sincerely,

W. KENT MCILYAR
Assistant City Attorney III
(972) 941-7125 (Telephone)
(972) 424-0099 (Facsimile)

Advising More Than 10 Days to Complete Response

Date: _____

CM _____

RRR

Restricted delivery ___y ___n

TO: _____

RE: Request for information
Dated _____

This will serve as confirmation of receipt of your request for information.

Given the nature of the information requested [___ volume; ___ complexity; ___ remote location; ___ redaction; ___ other] the department will require more than ten business days to process your request. The department will make every effort to promptly respond to your request; however, at this time we estimate that we will need an additional ___ days to respond your request. We anticipate our response will be ready no later than _____ at _____ A.M./P.M. See section 552.221, Government Code.

Your request will be processed in the order it is received. You will be notified of the costs associated with responding to your request as soon as an estimate can be completed. This response in no way waives any exception to disclosure provided by law.

Warren Spencer
Legal Advisor

Requesting a Date Range to Narrow Scope

April 23, 2003

Lynn Darrow Carson
Associate Counsel
WORLDCOM, INC.
Law & Public Policy
2400 North Glenville Drive
Richardson, Texas 75082

VIA FACSIMILE
(972) 729-6927

**RE: Request for Information under the Texas Public
Information Act dated April 21, 2003**

Dear Ms. Carson:

Our office received on April 22, 2003, your request for information under the Texas Public Information Act, in which you requested copies of all submitted and issued Registration Forms for Right-of-Way Users and all submitted Certificates of Insurance filed pursuant to City of Plano Ordinance No. 2000-2-26. Due to the voluminous nature of the documents requested, and in an effort to narrow the scope, our office respectfully requests that you provide a date range for the documents requested. *See*, TEX. GOV'T CODE § 552.222. Please feel free to call me at (972)941-5235 to discuss narrowing the scope of your request.

Sincerely,

Kimberly R. Lafferty
Assistant City Attorney

Estimate of Charges

December 20, 2005

Anna Camp, TCD
c/o Light of Day Project
Freedom of Information Foundation of Texas
400 S. Record St., Suite 240
Dallas, TX 75202

RE:

Attached request for information dated 11/14/05

Dear Ms. Camp:

On 11/17/05 we received your request for information dated 11/14/05. I have attached a copy for your convenience.

This letter will advise you that the estimate for processing your request is approximately \$1,880.00. Your request requires the review (much of it manual) of over 1,100 reports and related documents, with a potential for over 800 copies. Copies are ten cents per copy for an estimate of \$80.00. Personnel time in collecting and copying the records is estimated at 75 to 100 hours at \$15.00 per hour, for an estimated charge of \$1,500.00, plus a 20% overhead charge for an additional \$300.00. The estimated total for processing your request is \$1,880.00. We will need a deposit in the amount of the estimate before we process your request.

Please advise in writing if you accept the estimate. Once we receive your written approval and the deposit check, we will begin to process your request. Additionally, we will require 60 business days from the day we receive your deposit to process the request. Your written response may be submitted via mail, fax to 972-941-2177 or email to teresabr@plano.gov. Failure to respond within ten days will serve as a withdrawal of your request. Please understand this estimate does not include postage costs. Those costs should not exceed \$50.00.

Please call if you have questions.

Regards,

Warren Spencer
Legal Advisor



City of Plano - Open Records Fee Schedule

CATEGORIES	DESCRIPTION	NUMBER	FEE RATE	TOTAL
I. Standard-size paper	Up to 8 1/2" x 14"		@ \$.10 per page	\$
II. Nonstandard-size copy				
(A)	Paper copy 11" x 17"		@ \$.50 each	\$
(B)	Diskette		@ \$1.00 each	\$
(C)	Magnetic tape			
	4 mm		@ \$13.50 each	\$
	8 mm		@ \$12.00 each	\$
	9 track		@ \$11.00 each	\$
(D)	Data Cartridge		Actual Cost	\$
(E)	Tape Cartridge		Actual Cost	\$
(F)	VHS Video Cassette		@ \$2.50 each	\$
(G)	Audio Cassette		@ \$1.00 each	\$
(H)	Mylar		@ \$.85 sq. ft.	\$
(I)	Blue-line/Blueprint Paper		@ \$.20 sq. ft.	\$
(J)	DVD		@ \$3.00 each	\$
(K)	CD-R or CD-RW		@ \$1.00 each	\$
III. Personnel charge				
(A)	Programming Personnel		@ \$28.50 per hour	\$
(B)	Other Personnel		@ \$15.00 per hour	\$
IV. Overhead charge			20% of personnel charge	\$
V. Micro Fiche/Film			Actual Cost	\$
VI. Remote document retrieval charge			Actual Cost	\$
VII. Computer resource charge				
(A)	Mainframe		@ \$10.00 per minute	\$
(B)	Midsized		@ \$1.50 per minute	\$
(C)	Client/Server		@ \$2.20 per hour	\$
(D)	PC or LAN		@ \$1.00 per hour	\$
VIII. Miscellaneous supplies			Actual Cost	\$
IX. Postage & shipping charge			Actual Cost	\$
X. Photographs			Actual Cost	\$
Fax charge				
(A)	Local		@ \$.10 per page	\$
(B)	Long distance, same area code		@ \$.50 per page	\$
(C)	Long distance, different area code		@ \$1.00 per page	\$
Other costs			Actual Cost	\$
	Description:			
Total Charges:				\$

NOTE: Sales tax is not applicable on public records requests.

REQUEST FOR PUBLIC INFORMATION PROCESS

Appendix E

