

# Office of the Fire Fighters' Pension Commissioner

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## Policies and Procedures to Obtain Public Information

Requests for public information, also known as “open records requests”, are simply requests for information that has been “collected, assembled, or maintained” by or for a governmental body. (Government Code, Chapter 552, §552.002)

<http://capitol.tlc.state.tx.us/statutes/codes/GV000122.html>

### **Submitting a request**

The request does not have to cite a specific law or statute, nor does it have to be on a special form. An open records request must be for information that is in existence at the time of the request. A request may be typed or handwritten; however, it must contain enough information to identify the information requested and to enable the agency to respond to the request (i.e.: address, telephone number, etc.).

### **Information to be released**

- Will be available within 10 business days if, it cannot be produced within 10 business days, the public information officer will notify you in writing of the reasonable date and time when it will be available.
- Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.
- Cost of records:
  - You must respond to any written estimate of charges within 10 business days of the date the Office of the Fire Fighters’ Pension Commissioner (FFPC) sent it, or the request is considered automatically withdrawn.
  - If estimated costs exceed \$50.00 the FFPC may require a bond, prepayment or deposit.
  - You will receive a written statement of estimated charges, when charges will exceed \$40, in advance of work being started, and you will be given an opportunity to modify the request in response to the itemized statement. If charges are less than \$40.00, the requestor is advised of charges by phone, and the copies are sent with a statement.
  - You may ask the FFPC to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.
  - Make a timely payment for all mutually agreed charges. The FFPC can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.
  - You may choose whether to inspect the requested information (most often at no charge), receive copies of the information, or both.

### **Information that may be withheld due to an exception**

- By the 10th business day after the FFPC receives your written request for information, the FFPC may determine that some or all of the information you requested is excepted from disclosure, if this happens, the Agency must:
  - request an Attorney General opinion and state which exceptions apply;
  - notify the requestor of the referral to the Attorney General; and
  - notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General opinion and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the FFPC. If the arguments disclose the requested information, the

requestor may obtain a redacted copy of the arguments submitted by the FFPC.

- The Attorney General must issue a decision no later than the 45th working day from the day after the Attorney General received the request for a decision. The Attorney General may request an additional extension of 10 business days.
- The FFPC may not ask the Attorney General to "reconsider" an opinion.

## **Fees**

The FFPC may charge the following for copies of open records.

Copies and/or printouts, standard size 8-1/2x11	\$.10/page
Copies and/or printouts, non-standard size	\$.50/page
Personnel, non-programming	\$15.00/hr.
Personnel, programming	\$26.00/hr.
Diskettes	\$5.00/ea.
Overhead	20% of personnel charge
Postage	Actual Cost

A requestor may send a request by US Mail Courier, fax, or hand delivery. Requests sent via e-mail will not be processed unless they are addressed to and received by Lisa Ivie Miller.

### **By US Mail:**

Office of the Fire Fighters' Pension Commissioner  
Attention: Lisa Ivie Miller  
PO Box 12577  
Austin, TX 78711-3047

### **In Person:**

E.O.Thompson Bldg.  
920 Colorado Street, 11<sup>th</sup> Floor  
Austin, TX 78701

### **By Fax:**

(512) 936-3480

For complaints regarding failure to release public information please contact your local County District Attorney's office. You may also contact the Office of the Attorney General, Open Records Hotline, at 512-478-6736 or toll-free at 1-877-673-6839.

For complaints regarding overcharges, please contact the Texas Building and Procurement Commission at 512-475-2497.

If you need special accommodation pursuant to the Americans With Disabilities Act (ADA), please contact our ADA coordinator at 512-463-2857.