

Guardianship Certification Board
Access to Board Records Policy
(Effective October 26, 2007)

1. **Policy.** The purpose of this policy is to explain the rules and procedures that govern public access to the records and information maintained by the Guardianship Certification Board.

2. **Definitions.**
 - a. “Applicant” means any person applying for certification or provisional certification by the Board.
 - b. “Board” means the Guardianship Certification Board established in Chapter 111, Government Code, and includes a duly-established official committee of the Board.
 - c. “Certified guardian” means a person who has been certified by the Board according to its rules and applicable statutes.
 - d. “Director” means the Guardianship Certification Program Director as defined in Government Code § 111.021. The Director is an employee of the Office of Court Administration, to which the Board is administratively attached under Government Code § 111.012, and serves as staff for the Board.
 - e. “Provisionally certified guardian” means a person who has been certified by the Board according to its rules and applicable statutes, and may provide guardianship services only under the supervision of a certified guardian supervisor.
 - f. “Rule 12” means Rule 12 of the Texas Rules of Judicial Administration.

3. **Access to Board’s Records**

As a judicial branch entity, the Board is not a governmental body subject to the Public Information Act, Government Code Chapter 552. Rather, public access to its records is governed by Rule 12, and the Director is its records custodian. The Board’s policy is to provide public access to Board information to the fullest extent allowed by law.

4. **Scope**

All records made or maintained by or for the Board and its staff in the regular course of business are judicial records subject to Rule 12. This includes, but is not limited to, information provided by applicants during the certification process; records provided to the Board related to a complaint against a certified guardian or a provisionally certified guardian; and minutes and recordings of Board meetings, including meetings of duly appointed committees. This does not include records or information excluded by Rule 12.3 or exempted by Rule 12.5.

5. **Personal Information Exempt from Disclosure**

Rule 12.5 provides that certain information is exempt from disclosure. In particular, Rule 12.5(d) prohibits the disclosure of “Any record reflecting any person's home address, home or personal telephone number, social security number, or family members.”

6. **Criminal History Information**

Rules VI(g) and XIV(b) of the Board's rules require each applicant for certification or provisional certification to provide to the Board his or her national and Texas criminal history records, by means of a fingerprint search. In accordance with Government Code § 411.1406 and Board procedures, criminal history reports are not maintained as part of the applicant's file once certification or provisional certification is granted.

7. **Non-Disclosure of Confidential Information**

The Director will not release any information or record that is confidential or exempt from disclosure under Rule 12, a state or federal constitutional provision, statute, or common law.