

The Employees Retirement System of Texas' ("ERS") Report on Procedures for Charging and Collecting Fees for Providing Copies of Public Information pursuant to Public Information Requests Made under Chapter 552 of the Texas Government Code

This report is made pursuant to § 552.274(b) of the Texas Government Code, which reads:

“Before the 30th day after the date on which a regular session of the legislature convenes, each state agency shall issue a report that describes that agency's procedures for charging and collecting fees for providing copies of public information. A state agency may comply with this subsection by posting the report on the agency's open records page or another easily accessible page on the agency's website on the Internet...”

Pursuant to Texas Government Code § 552.262 (a) and (b), the OAG promulgates the rules for use by each governmental body in determining the charges for providing copies of public information. ERS follows the guidelines established by the OAG and has promulgated rules consistent with the OAG's rules in 34 Texas Administrative Code § 65.3. The current ERS Charge Policy is as follows:

- Paper copies are \$.10 per printed page
- \$15 per hour of personnel time for locating, compiling and reproducing
- \$28.50 per hour of computer programming personnel time
- Overhead charge of 20% of personnel time
- Actual charges for Postage via First Class Mail

Pursuant to § 552.267(b), ERS waives charges that are less than \$10.00. If estimated charges are between \$10.00 and \$40.00, the information is sent to the requestor along with an invoice requesting payment. If estimated charges are in excess of \$40.00, an estimated invoice is sent to the requestor and no copies are made until the requestor accepts charges and submits a deposit to ERS. ERS considers the request automatically withdrawn if the requestor does not respond in writing to the estimated invoice within 10 business days.

The requestor may ask to inspect documents, rather than to receive copies. Occasionally, there are charges associated with particularly voluminous inspections. ERS encourages requestors to inspect documents as this not only saves the requestor money by allowing him to choose only those documents in which he is truly interested, but helps to save ERS' resources by minimizing the number of copies made and the time spent compiling and making those copies.

Other governmental bodies are generally not charged for information, unless the request requires programming or manipulation of data, or is particularly voluminous. Additionally, under § 552.264, information requested by a member, agency, or committee to use for legislative purposes is provided free of charge. Further, ERS makes available to the public at no charge a large quantity of information on its Web site.

In Fiscal Year 2008, ERS received 231 public information requests for which it collected \$386.50.