

HIDALGO COUNTY, TEXAS
COMMISSIONERS' COURT ORDER

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Supersedes:	N/A

PUBLIC INFORMATION REQUEST POLICY

SECTION A: AUTHORITY AND PURPOSE

- (1) The Texas Public Information Act (referred to hereafter in this document as the "Act") requires governmental agencies to make available for inspection and copying all information that is collected, assembled, or maintained by the governmental body or for a body if it owns or has a right of access to the information, except for information the Act exempts or prohibits from disclosure, according to Chapter 552 of the Texas Government Code.
- (2) Hidalgo County strives to provide the public rightful full access to information concerning the conduct and efficiency of government, mindful of individuals' privacy rights. It has therefore established the following public records policies and procedures, adopted by the Hidalgo County Commissioners' Court on April 29, 2008.
- (3) The purpose of these rules is to establish the procedures Hidalgo County will follow in order to best comply with the Act. These rules and regulations cannot change the Act. Rather, the policy is intended to provide the public with general guidelines for requesting public information and to assist employees in handling public information requests.

SECTION B: AGENCY DESCRIPTION, CONTACT INFORMATION, IDENTITY AND SCOPE OF PUBLIC INFORMATION OFFICER

- (1) Hidalgo County is a political subdivision of the state of Texas. Hidalgo County's central administrative offices are located at 100 E. Cano Edinburg, TX 78539 and at 2818 S. Business Highway 281 Edinburg, TX 78539.
- (2) In order to improve efficiency, save time and money, and avoid sometimes costly duplication of commonly requested records, Hidalgo County has designated the Public Information Officer as the central point of contact for the receipt and distribution of all county public information requests. Other Hidalgo County departments may also process the requests. The Public Information Officer will provide the fullest assistance to requestors and work with department heads, elected officials and the appointed Public Information Committee to ensure compliance with the Act, maintain a central database of records requested, and take payments when applicable.
- (3) Any person wishing to request access to the public records of Hidalgo County, or any person seeking assistance in making such a request, should contact the designated Public Information Officer for Hidalgo County:

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Cari Lambrecht
Hidalgo County Public Information Officer
100 E. Cano, 2nd Floor
Edinburg, Texas 78539
(956) 292-7026 (office)
(956) 318-2699 (fax)
cari.lambrecht@co.hidalgo.tx.us

- (4) The most updated contact information for the public information officer will be made available on Hidalgo County's Web Site at www.co.hidalgo.tx.us.
- (5) As detailed in Chapter 552, Subchapter C, of the Texas Government Code, some information is excepted from the Act. Such information is considered confidential by law. Please refer to the Texas Government Code for a listing of the exceptions.
- (6) Section 552.003(1)(B) of the Government Code excludes the judiciary from the Act. Section 552.0035 of the Government Code specifically provides that access to judicial records is governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules. (Also see Rule 12 of the Texas Rules of Judicial Administration).
- (7) The Hidalgo County Public Information Officer is not responsible for law enforcement records. All requestors seeking law enforcement information should contact the Hidalgo County Sheriff's Office at (956) 393-6000.

SECTION C: MAKING A PUBLIC INFORMATION REQUEST

- (1) Any person wishing to inspect or copy public records of Hidalgo County should make the request in writing, preferably on Hidalgo County's request form, which is available online at www.co.hidalgo.tx.us, by letter, fax or e-mail, addressed to the Public Information Officer and including the following information:
 - Name of requestor;
 - Address of requestor;
 - Other contact information, including telephone number, fax and/or e-mail address;
 - A description of the public records adequate enough so the public information officer or other designee can locate the records;
 - The date and time of the request

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- 2) Only requests in writing will be accepted. Hidalgo County may not require a requestor to use the form developed by the county for public information requests; however, it is highly encouraged.
- 3) Records may be described by their content, but requestors must be specific and clear in defining the nature and the scope of information they are requesting. Clarifications may delay the release of records. Requests should be for data in existence, and Hidalgo County is not required to answer questions, perform legal research or comply with a continuing request to supply information on an ongoing or periodic basis. However, Hidalgo County will make attempts to discern what records are being requested and work with the requestor to clarify requests if necessary.

SECTION D: PROCESSING OF PUBLIC INFORMATION REQUESTS

- (1) **Providing fullest assistance.** Hidalgo County will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of government, and provide fullest assistance to requestors in the timeliest possible action. The Public Information Officer or designee will process requests in the most efficient manner. All requestors will be treated equally (See Media Clause, Section D, 6).
- (2) County employees other than the designated Public Information Officer receiving public information requests should forward the request to the designated Public Information Officer immediately. However, should that employee be in possession of the requested information, he or she should begin processing that request while the Public Information Officer is notified.
- (3) **Acknowledging receipt of request.** Within a reasonable time of receipt of the request, the Public Information Officer will do one or more of the following:
 - a. Make the records available for inspection or copying;
 - b. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
 - c. Provide a reasonable estimate of when records will be available;
 - d. If the Public Information Officer cannot provide the requested information for inspection or duplication within 10 business days, the officer must notify the requestor in writing and provide a reasonable time frame of when the information will be available.

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- e. If the request is unclear or does not sufficiently identify the requested records, the Public Information Officer shall request clarification from the requestor. Such clarification may be requested by telephone, but will be documented in writing. The public information officer may revise the estimate of when records will be available;
- f. Request an opinion from the Texas Attorney General based on one or more of the exemptions or prohibitions in the Act. This must be done within 10 business days.

(4) If an opinion is needed from the Attorney General, the Public Information Officer will take advisement from and utilize the services of the county's legal counsel. The appropriate parties will be contacted by the Public Information Officer or the county's legal counsel.

(5) Internal Process.

- a. Liaisons, departments, or agencies within Hidalgo County in possession of the requested information will be contacted via e-mail and fax or in person by the Public Information Officer or designee as soon as possible after the receipt of the request. (Note: The 10 business day time period the county has to request an Attorney General opinion begins when the request is submitted to the Public Information Officer, not when the Public Information Officer submits the request to the appropriate department.)
- b. The Public Information Officer or designee may ask the liaison, department or agency to clarify the request or may provide a clarification to the department if necessary.
- c. Public Information Officer will indicate whether these records, in whole or in part, are exempted from release and will specify whether requestor wishes to inspect or receive copies of the documents.
- d. The Public Information Officer will provide billing assistance if the employee compiling the information must keep track copies and/or time it takes to process the request.
- e. It is the responsibility of the liaison, department or agency to provide to the Public Information Officer with a reasonable estimate of when records will be available, communicate any questions to the Public Information Officer or designee, and provide an itemized estimate of costs (if applicable) within (2) two business days of receipt of the request from the Public Information Officer or in a time period that is reasonable compared with the request.

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f. It is the responsibility of the liaison, department or agency to provide to the Public Information Officer the records requested in a timely manner, "promptly and without delay," as described within the Act. The 10-day time period referred to in the Texas Public Information Act means that the governmental body has ten days to request an opinion of the Attorney General. Otherwise, the information is considered public.

(6) **Media Requests for Public Information.** Hidalgo County realizes the need of the news media for timely access to government records and supports the public's right to know. Good government requires an informed citizenry. All requests will be treated equally and with the same diligence; however, Hidalgo County will try to expedite media requests. This does not preclude members of the media giving Hidalgo County proper notification of their need for information. Depending on the size and complexity of the requests, turnaround time for media requests will differ on a case-by-case basis. It is solely up to the governmental body whether to grant cost waivers often requested by media outlets.

(7) **Inspection of Records.** Hidalgo County shall promptly provide space to inspect public records. Hidalgo County may charge for time spent redacting non-releasable information on documents made available for inspection. A requestor may be charged for copies and labor if, after an inspection, he or she wishes to obtain copies. No member of the public or media may remove a document from the viewing area or in any way alter a government document. The requestor may make arrangements to copy information using Hidalgo County's machinery. Fees may apply.

(8) The Public Information Officer shall maintain a database of requests with a numbering system for tracking, deadline and billing purposes.

SECTION E: COST RULES

(1) Hidalgo County will abide by the cost rules laid out in Texas Administrative Code, Section 70.3.

(2) Cost estimates will be provided to requestors if estimates exceed \$40.00, at which time, the requestor must respond in writing to the Public Information Officer to accept or deny charges or modify the request.

(3) Hidalgo County may require a deposit for requests exceeding \$100.00 in cost.

(4) Failure to pay could result in the future withholding of public information as specified in the Texas Administrative Code §70.7(f)1-2.

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- (5) Payment will be accepted in the form of personal checks, business checks, cashier's checks, money orders or cash. Checks should be made out Hidalgo County Treasurer's Department and will be collected by the Public Information Officer who will timely submit them to the Hidalgo County Treasurer's Department.
- (6) The Public Information Officer will be responsible for providing all requestors with a receipt of their payment.

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APPENDIX A

PUBLIC INFORMATION FORMS



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HIDALGO COUNTY
REQUEST FOR PUBLIC INFORMATION

Information should be submitted to the county's Public Information Officer via mail, fax, in person, or email.

Address: Office of the County Judge, 100 E. Cano, 2nd Floor, Edinburg, TX 78539
Phone: (956) 318-2699 or (956) 292-7026
Fax: (956) 318-2699
Email: cari.lambrecht@hidalgocountyjudge.com or cari.lambrecht@co.hidalgo.tx.us

Please print legibly or type the following information:

Date of Request: _____

Name of person requesting information: _____

Name of company (if applicable): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Alt. phone number: _____

Fax: _____ Email Address: _____

Please detail your request below, providing as much information as possible, i.e.: names, documents, locations, dates. You may attach additional sheets if needed.

For Internal Use Only

Request Forwarded To: _____ on ____/____/____

Authorization: _____

Information Made Available/Received By: _____ on
____/____/____

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HIDALGO COUNTY PUBLIC INFORMATION REQUEST FORM A

FINAL BILL

Requestor Name and/or Address:

Public Information Request Reference No. _____

Costs are determined by the Texas Administrative Code §70.3.

Standard paper copy (\$0.10 per page)	
Non-standard copy (diskette, CD-RW, VHS, audio cassette, oversize or specialty paper, etc.)	
Labor charge, \$15.00 per hour for request more than 50 pages (actual cost of locating, compiling, manipulating and reproducing public information)	
Programming Fee, \$28.50 per hour	
Overhead, applicable when there is a labor charge (20 % of labor and/or programming)	
Other (postage, copies modified for inspection, microfiche, etc.)	
Total	

Send payment of \$_____ to the Hidalgo County Public Information Officer at the Office of the County Judge (100 E. Cano, 2nd Floor, Edinburg, Texas 78539) made **payable to the Hidalgo County Treasurer**. Failure to remit payment can result in the withholding of future requested documents, as specified in TAC §70.7(f)1-2.

Prepared by: _____ **Date:** _____

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**HIDALGO COUNTY PUBLIC INFORMATION
REQUEST FORM B**

ESTIMATED CHARGES FORM (COPIES REQUESTED)

Date: _____

Dear _____:

We are in receipt of your request for public information. It was given reference No. _____.

We have determined that the charges to comply with your request will exceed \$40.00. Therefore, the following statement is provided pursuant to §552.2615 of the Government Code, and §70.7 of the Office of the Attorney General cost rules.

Costs are determined by the Texas Administrative Code §70.3.

Standard paper copy (\$0.10 per page)	
Non-standard copy (diskette, CD-RW, VHS, audio cassette, oversize or specialty paper, etc.)	
Labor charge, \$15.00 per hour for request more than 50 pages (actual cost of locating, compiling, manipulating and reproducing public information)	
Programming Fee, \$28.50 per hour	
Overhead, applicable when there is a labor charge (20 % of labor and/or programming)	
Other (Postage, copies modified for inspection, microfiche, etc.)	
Total	

Your request will be considered automatically withdrawn if you do not notify us in writing and within (10) ten business days from the date of this statement that you:

- a. Accept the charges and agree to pay;

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- b. Modify your request. (If you choose to inspect the records first, it is considered a modification, not a new request. If you choose to inspect the information, you will be able to take notes);
- c. Have sent to the Texas Attorney General a complaint alleging that you have been overcharged.

You may choose to respond by email, fax, regular mail, or by dropping by your written response in person at our offices at the Office of the Hidalgo County Judge, 100 E. Cano, Edinburg, Texas 78539.

Phone: (956) 318-2600 or (956) 292-7026

Fax: (956) 318-2699

Email: cari.lambrecht@hidalgocountyjudge.com or cari.lambrecht@co.hidalgo.tx.us

Please note that no work will be undertaken until we receive your written response to this itemized statement.

If you have any questions, please call the Public Information Officer directly at (956) 292-7026.

Prepared by: _____ **Date:** _____

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HIDALGO COUNTY PUBLIC INFORMATION

REQUEST FORM C

ESTIMATED CHARGES (REQUEST FOR *INSPECTION* THAT QUALIFIES FOR CHARGES BECAUSE CONFIDENTIAL INFORMATION IS MIXED WITH PUBLIC INFORMATION)

Date: _____

Dear _____:

We are in receipt of your request for public information, received on _____. It was given reference No. _____. We have reviewed the information you requested to inspect. Some of the information contained in these documents is confidential and must be redacted before you can inspect it. The law allows a governmental body to make copies of pages where confidential information is mixed with releasable information. A governmental body is allowed to charge for said copies.

In accordance with Texas Government Code, Section 552.271(b), the charges for this inspection would be as follows:

Copies, Approx. _____ redacted pages at \$.10 per page \$ _____
Estimated Total for Inspection \$ _____

THIS AMOUNT MUST BE PAID BEFORE YOU WILL BE ABLE TO INSPECT THE COPIES. Please note that a deposit of 50 % will also be required before work is started if the above amount is over \$100.

If after you inspect the records, if you choose to receive copies of this information, the below labor and overhead charges will be allocated to the number of pages you take. Although labor charges generally apply to requests for more than 50 pages, please note that if the records were in off-site storage, charges are applicable even if there are fewer than 50 pages.

Copies, unredacted pages, approx. _____ at \$.10 per page \$ _____
Labor _____ hours @ \$15 per hour \$ _____
Overhead, Labor Total x .20 \$ _____
ESTIMATED TOTAL IF COPIES TAKEN \$ _____

Payment will be required before copies are taken/delivered.

Your request will be considered withdrawn if you do not reply in writing and within ten (10) business days from the date of this letter, that:

- a. You accept the charges and agree to pay them should you want to take copies;
- b. You modify your request.
- c. You have sent a complaint the Office of the Attorney General regarding the charges.

If you have any questions, please call the Public Information Officer at (956) 292-7026.

Prepared by: _____ **Date:** _____

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HIDALGO COUNTY PUBLIC INFORMATION

REQUEST FORM D

ESTIMATED CHARGES (REQUEST FOR INSPECTION THAT DOES NOT QUALIFY FOR CHARGES UNDER SECTION 552.271 OR 552.272)

Date: _____

Dear _____:

We are in receipt of your request for public information, received on _____. It was given reference No. _____. We are aware that you have requested to inspect the records and that this request does not qualify for charges under Texas Government Code, Sections 552.271 and 552.272.

This estimate is provided as a convenience and for informational purposes, so that you are aware of what the charges could be if you want to obtain copies after inspection.

Costs are determined by the Texas Administrative Code §70.3.

Standard paper copy (\$0.10 per page)	
Non-standard copy (diskette, CD-RW, VHS, audio cassette, oversize or specialty paper, etc.)	
Labor charge, \$15.00 per hour for request more than 50 pages (actual cost of locating, compiling, manipulating and reproducing public information)	
Programming Fee, \$28.50 per hour	
Overhead, applicable when there is a labor charge (20 % of labor and/or programming)	
Other (Postage, copies modified for inspection, microfiche, etc.)	
Total	

If after reviewing, you choose to receive copies of paper records or any amount of printouts of electronic records, the labor and overhead charges will be allocated to the number of pages you take.

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Payment for the copies you choose will be required before the copies are delivered, whether in person or by mail. If you decide to pick-up the copies, the postage amount does not apply, but payment must be made before you can take the copies with you.

To avoid having your request considered withdrawn, you must reply in writing and within ten (10) business days from the date of this letter that:

- d. You accept the charges and agree to pay them should you want to take copies;
- e. You modify your request.
- f. You have sent a complaint the Office of the Attorney General regarding the charges.

To facilitate a mutually convenient time for inspection, please provide me with possible dates of when you can come to our offices. I will let you know which is best, and in case none of them are, we will make alternative arrangements.

If you have any questions, please call the Public Information Officer at (956) 292-7026.

Prepared by: _____ **Date:** _____