

OPEN RECORDS ACT

Objective:

To determine if employees in the department/unit are aware of the Open Records Act (ORA), also known as the Public Information Act, as well as to determine if periodic communications are provided employees regarding the ORA and requests for information made pursuant to the Act are handled in accordance with state regulations, and UHS and component policies and procedures.

Potential Impact:

Results in violations of UHS and institutional policies as well as state laws; negative publicity for the institution and the potential for law suits and fees associated with such if a records request is not handled appropriately.

Helpful Tools:

- UH System Administrative Memorandum:
 - [01.D.06 – Protection of Confidential Information](#)
 - [02.A.31 – Access to and Maintenance of Staff Personnel Files](#)
 - [03.H.02 Open Record](#)
- UH – Downtown Policy Statement:
 - [Personnel - 02.A.19 - Access to and Maintenance of Personnel Files](#)
- Other(s):
 - [Texas Government Code. Chapter 552, Public Information](#)
 - [Public Information Act](#)
 - [\(Family Educational Rights and Privacy Act \(FERPA\)](#)

Contacts:

- For employee information: Employment Services and Operations (713-221-8072)
- For student information: The Registrar (713-221-8136)
- For financial information: Business Affairs (713-221-8604)
- For all other information: The Compliance Officer (713-222-5340)

Frequently Observed Weaknesses/Deficiencies:

- Failure to have written procedures for the handling of open records requests
- Failure to have written procedures for inspecting or copying public information
- Failure to periodically communicate information on the Open Records Act
- Lack of employee awareness regarding the Open Records Act

Best Business Practices:

1. Management should follow procedures established by the Office of the General Counsel for inspecting and copying public information

2. Management should establish written procedures for responding to requests for information made under the Open Records Act
3. Employees should promptly submit all requests for records to the Office of General Counsel, UHS
4. All information to be released should be sent to the Office of General Counsel for review and final release to the requestor
5. All requests for information under the Open Records Act should be submitted in writing. Persons making verbal requests should be asked to submit their request in writing
6. Retain copies of all written requests for information

Case Scenario: The receptionist in the Student Activities Center receives a telephone call from a local gym requesting the names, home addresses, telephone numbers, projected graduation date, and ages of all student employees. The person calling from the gym tells the receptionist that this information must be made available as required under the Open Records Act. The receptionist replies that she will be glad to send the information by the following afternoon and asked if it could be sent electronically. The representative from the Gym is very happy to hear the information would be sent the next day, provides her e-mail address and fax, and then ends the telephone call. Was this request for information properly handled?

Case Scenario Answer: Several issues exist here. The request for information under the Open Records Act was done via telephone and not submitted in writing. The request included protected information that is not subject to disclosure in an open records request. The receptionist committed the employer to providing information that should not be released without approval from the Office of General Counsel. Finally, if the request included information that should never be sent via fax or electronically without making sure that the proper safeguards are in place, including verification of the identity of the person making the request.

AREA

This questionnaire is designed so that “no” answers indicate that an internal control weakness may exist and the procedure/process may need to be examined in greater detail. When such weaknesses are identified, a change in the process may be necessary OR a control may need to be put into place to address the weakness. The appropriate UHD contact office (as outlined in the self-assessment text) may be contacted for assistance with identified weaknesses.

Self-Assessment of Internal Controls for Contracts	Yes	No	N/A	Comments
Are employees familiar with institutional and UHS policies and procedures regarding the Open Records Act and information requests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does management periodically communicate procedures regarding requests for information and the Open Records Act to all employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do employees know to direct requests for information records to the Office of General Counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are all requests for information under the Open Records Act required in writing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the department/unit retain copies of all written requests for information as well as the response for the appropriate time period as prescribed by State of Texas retention policies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the department have access to set procedures established by the Office of General Counsel for the inspection and copying of public information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

This is a living document and will be updated as revisions are necessary. Periodically, you may want to check for updates and revisions. We welcome any questions and feedback regarding the information contained in this tool including any comments regarding how this may be more useful and effective.