

**CITY OF WEST LAKE HILLS**  
**STANDARD OPERATING PROCEDURES FOR PUBLIC INFORMATION REQUESTS**

**I. GENERAL**

Pursuant to Government Code section 552.230(a) the City of West Lake Hills promulgates these reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay.

**II. PURPOSE**

The City Secretary serves as the City's officer for public information and is responsible for the effective disposition of Public Information Requests submitted to the City of West Lake Hills. An effective and efficient means of receiving, cataloging, retrieving, and dispensing of records is essential to comply with the laws of the State of Texas.

The purpose of this policy is to set out guidelines to ensure that all requests for public information are handled uniformly, fairly, timely, and within the statutes set out by the State of Texas Public Information Act. In the event of any conflict between the City's Policy and the Texas Public Information Act, the Act and other applicable state laws shall prevail.

**III. THE PUBLIC INFORMATION ACT (THE ACT)**

The Texas Public Information Act gives the public the right to request access to government information through a written request to a governmental body. The request must ask for records or information already in existence. The Act does not require a governmental body to create new information, to do legal research, or to answer questions.

A governmental body has no duty to comply with standing requests for copies of records. If a requestor seeks documents that are not in existence at the time of the request, the governmental body may notify the requestor of this fact and ask the requestor to resubmit the request at a later time when such a record may be available. Also, the governmental body has no duty to notify the requestor in the future that the information has come into existence.

The Act requires that an officer for public information of a governmental body promptly produce public information for inspection, duplication, or both on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

If an officer for public information cannot produce public information for inspection or duplication within ten business days after the date the information is requested, the officer must certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

**IV. TYPES OF INFORMATION SUBJECT TO THE PUBLIC INFORMATION ACT**

Public information includes information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business. The Public Information Act applies to records regardless of their format. It includes information that is maintained

in paper, tape, microfilm, video, electronic data held in a computer memory, as well as other mediums specified under law.

All City officials and employees shall ensure that any information they create, transmit, receive, or maintain in their official capacity, or while performing official business or a governmental function on behalf of the City, which pertains to official business of the City is preserved in accordance with the City's records retention schedule and promptly produced in response to a request for public information.

## V. PROCEDURES

### 1. Intake

- a. All written requests for public information shall be immediately, but no later than 2 days, forwarded to the City Secretary. A written request will be accepted if made in person, via regular mail, fax, or email.
- b. Requests submitted on an official city holiday or after 5PM on a regular business day will be considered received on the next business day.
- c. The City Secretary will date stamp, assign a PIR (Public Information Request) number and analyze the request to determine if it requires clarification.
- d. If the request is unclear or particularly voluminous the City Secretary will seek clarification from the requestor within 10 days from the date the request was received. If a request is clarified the 10 days to respond to the request is suspended and restarts upon receipt of the clarification from the requestor.
- e. The City Secretary will contact the proper department for processing and collecting of responsive information.
- f. The City Secretary will be responsible for maintaining the Public Information Request Log ("PIR Log") which shall include the following information: date request received, date of any correspondence with the requestor, estimated cost of producing information, amounts paid, and amounts owed.
- g. Once the information is processed by the department and forwarded back to the City Secretary, the City Secretary will review the information to determine if it includes any information that must be redacted or withheld because it is confidential by law or subject to a discretionary exception to disclosure.

### 2. No Confidential Information Requested

- a. If there are no concerns regarding the confidentiality of the requested information the City Secretary shall promptly send responsive documents to the requestor as soon as possible, but no later than 10 days from the date of the request.
- b. If the information requested cannot be promptly produced because of the number of documents sought or availability of records, the City Secretary shall notify the requestor, in writing, of an estimated date on which it will be provided.
- c. City Secretary will notify the requestor, in writing, of any expenses related to the request, and will notify the requestor prior to completion of production if the cost estimate is greater than \$40.

3. Information Requested May Contain Confidential or Excepted Information

- a. If the City Secretary has a question or concern regarding the confidentiality of responsive information the City Secretary will immediately forward said request and responsive documents to the City Attorney's Office for legal review.
- b. Any requests concerning the following individuals or subjects must be immediately forwarded to the City Attorney's Office, for review:
  - i. Juveniles
  - ii. Sexual assault/abuse/harassment
  - iii. Attempted Suicide
  - iv. Traffic accidents
  - v. Medical conditions or references to an individual's mental or physical injuries or defects
  - vi. Personal financial information
  - vii. Ongoing law enforcement investigations
  - viii. Domestic violence related
  - ix. Body Cams
  - x. Police officer personnel files
  - xi. Pending litigation
- c. If the City Secretary identifies information is confidential or excepted from public disclosure he/she must ask for a ruling from the attorney general about whether the information is excepted from disclosure if there has not been a previous determination about whether the information falls within one of the exceptions:
  - i. The City Secretary shall ask for a decision from the attorney general by submitting a "10-day letter" to the Attorney General's Office - Open Records Division via certified mail.
  - ii. The 10-day letter must states the exceptions that apply to the requested documents; and
  - iii. The 10-day letter must be submitted to the Attorney General's office within a reasonable time but not later than the 10th business day after the date of receiving the written request.
- d. If the City seeks a ruling from the Attorney General's Office the City Secretary or City Attorney's office must provide a copy of the public information request for a letter ruling, redacted and without attachments, to the requestor by certified mail within a reasonable time but not later than the 10th business day after the date of receiving the requestor's written request:
  - i. a written statement that the City wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and
  - ii. a copy of the City's written communication ("10-day letter") to the attorney general asking for the decision or, if the written communication to the attorney general discloses the requested information, a redacted copy of that written communication.
- e. Ten business days start the day after the day the City receives the request. Weekends and holidays (including skeleton crew days) when the City's administrative office is closed do not count.

- i. If the City receives a written request by United States mail and cannot adequately establish the actual date on which the City received the request, the written request is considered to have been received by the City on the third business day after the date of the postmark on a properly addressed request.
  - f. If a ruling from the Attorney General's Office has been requested, within 15 business days of receipt of the request the City Secretary or the City Attorney's Office must submit via certified mail the following information to the Attorney General's Office:
    - i. written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld ("15-day brief");
    - ii. a copy of the written request for information;
    - iii. a signed statement as to the date on which the written request for information was received by the City or evidence sufficient to establish that date; and
    - iv. a copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested labeled to indicate which exceptions apply to which parts of the copy.
  - g. Not later than the 15th business day after the date of receiving the written request, the City Secretary or the City Attorney's office must forward a copy of the written comments as to why the requested information is excepted ("15-day brief") via certified mail to the requestor. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the person must be a redacted copy.

4. Attorney General Ruling

- a. All Attorney General rulings shall be immediately, but no later than 2 calendar days after being received, forwarded to the City Secretary or City Attorney's office for review.
- b. The City Secretary or the City Attorney's office shall immediately, but no later than 2 calendar days after receiving the ruling, review the ruling and make a recommendation to the City Administrator regarding whether an appeal of the ruling should be considered.
- c. The City Administrator shall make a decision regarding appeal, no later than the 9th calendar day after receiving the Attorney General's ruling.
- d. No later than the 10<sup>th</sup> calendar day after receiving the Attorney General's ruling the City Secretary shall comply with the ruling and produce responsive documents or instruct the City Attorney's office to file suit to appeal the ruling.

5. Automatic Redactions

- a. The Attorney General's Office and/or the Texas Legislature has held that a City may redact the information listed below without the necessity of requesting a decision from the Attorney General. Therefore, any documents requested that include any of the following information shall be immediately redacted and promptly produced to the requestor without first seeking the Attorney General's permission.
  - i. a direct deposit authorization form;
  - ii. a Form I-9 and attachments;

- iii. W-2 and W-4 forms under section 552.101 in conjunction with section 6103(a) of title 26 of the United States Code;
  - iv. a certified agenda and tape of a closed meeting;
  - v. a fingerprint;
  - vi. L-2 and L-3 declarations;
  - vii. a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number;\*\*
  - viii. a credit card number, debit card number, charge card number, insurance policy number, bank account number, bank routing number; or access device number\*\*
  - ix. an e-mail address of a member of the public;
  - x. a Form DD-214 or other military discharge record that is first recorded or first comes into the possession of a governmental body on or after September 1, 2003;
  - xi. a social security number of a living person;
  - xii. the home address, home telephone number, or information that reveals whether the person has family members of an employee, official or peace officer who has elected in writing that they wish to keep this information private;\*\*
  - xiii. Information maintained by a family violence shelter center or sexual assault program;\*\*
- b. If the City is redacting or withholding information denoted above with a double asterisk (\*\*) the City shall provide the following information to the requestor on a form prescribed by the attorney general:
- i. a description of the redacted or withheld information;
  - ii. a citation to the section of the Government Code allowing the redaction; and
  - iii. instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.
- c. **Special note:** Dates of birth are not on the automatic redactions list, but all dates of birth have been judicially determined to be confidential by law. A requestor must approve automatic redaction or the City must get permission from the attorney general to redact

#### 6. Routine Requests

- a. Requests for the following documents are considered "routine" and may be immediately released to the requestor upon receipt of payment, if required, and do not have to be logged and processed in accordance with the procedures detailed in this policy:
- i. Agendas
  - ii. Meeting Minutes
  - iii. Meeting Recordings
  - iv. City Ordinances

- b. Much of this routine information is identifiable and readily available on the City's website. Accordingly, rather than provide hard copies of this information, the City will be deemed to have complied with the Act by referring the requestor to the exact Internet location or uniform resource locator (URL) address on the City's website. However, if a Requestor indicates they would prefer the information in a physical format the information should promptly be provided.

7. Questions

- a. As stated above, the Act does not require the City to answer question. However, it is the primary duty of City officials and employees to serve the citizens of West Lake Hills. Accordingly, when written requests are submitted seeking answers to specific questions, but do not specify what, if any, documentation is being sought, the City Secretary will proceed as follows:
  - i. First, she or he will attempt to identify any documents in existence that might provide the requestor with the answers they are seeking;
  - ii. If unable to identify any documentation, the City Secretary shall seek clarification from the requestor regarding what, if any, documentation they are seeking; and
  - iii. Notify the requestor that the Act does not require the City to answer questions, but that their request is being process as a "citizen inquiry" and, has been forwarded to the department head mostly likely to be able to answer the questions submitted in the request.
- b. Citizen requests seeking the answers to questions that are not submitted in writing do not need to be considered requests submitted under the Act and processed in accordance with the procedures stated in this policy.
- c. However, any request for any kind of documentation (paper or electronic copies) should be considered a request submitted under the Act, reduced to writing and processed in accordance with these procedures and the Act.

8. Police Department

- a. Access to Texas Peace Officer's Crash (CR-3) Reports. Peace Officer Crash (CR-3) Reports are held and maintained by the Texas Department of Transportation. The City does not maintain a copy of this report in its records.
  - i. If the City receives a request for a CR-3 Report the City Secretary shall notify the requestor that the City does not have any documents responsive to this request as this information is not held or maintained by the City.
  - ii. The City Secretary may also note to the requestor that the accident report requested can be purchased online via the Crash Records Information System ("C.R.I.S") operated by the Texas Department of Transportation and provide a link to the C.R.I.S. website. (<https://cris.dot.state.tx.us/public/Purchase/>)
- b. Access to Law Enforcement Records Related to Pending Investigation or Prosecution.
  - i. Information, including, internal records and notations, held by the West Lake Hills Police Department are excepted from public disclosure if releasing the information would interfere with the detection, investigation, or prosecution of crime.

- ii. The Department believes, and the Texas Attorney General generally agrees, that releasing information related to a pending investigation or prosecution will interfere with the detection, investigation or prosecution of crime.
  - iii. Accordingly, if the City receives a request for information related to a pending investigation or prosecution of an offense designated as a Class B or higher it is the City's policy to seek permission from the Attorney General to withhold this information as allowed by Texas Government Code section 552.108.
    - 1. Prior to seeking an Attorney General ruling the City Secretary may seek clarification from the requestor, in accordance with the Act and these policies, and ask the requestor if he or she wishes to narrow the scope of the request to only the "basic information" as defined by Government Code section 552.108(c).
- c. Access to Audio Files and Dash Camera Videos.
- i. All audio files and dash camera video files are stored in an electronic format on the City's servers, therefore, making this information available to the public may require the manipulation of data and if so, should be processed in accordance with the manipulation of data policy.
  - ii. Prior to public release, all audio files and dash camera video files should be reviewed for confidential information such as driver's license numbers, license plate numbers and other information deemed confidential by law.
    - 1. If it is determined that an audio or video file includes information confidential by law the City Secretary shall seek permission from the Attorney General in accordance with the Act and this policy to withhold the file in its entirety as the City does not have the technological capabilities to redact this information from the audio or video files and is prohibited by law from releasing this information.
- d. Access to Body Worn Camera ("BWC") Videos.
- i. Access to information recorded by a body worn camera is governed not only by the Public Information Act, but also Chapter 1701 of the Texas Occupations Code. The City adopts this policy in accordance with section 1701.655(4) of the Occupations Code.
    - 1. Criminal Offense. A peace officer or other employee of a law enforcement agency commits a Class A misdemeanor offense if the officer or employee releases a recording created with a body worn camera without permission of the West Lake Hills Police Department. See Tex. Occ. Code § 1701.659. Only a release of a recording in compliance with this policy is considered a release with permission of the Department.
    - 2. BWC Videos Subject to the Act. Only information recorded by a BWC and held by the Department that is or could be used as evidence in a criminal prosecution is subject to public release under this policy and the Public Information Act.
    - 3. Public Request Requirements for BWC Video. A member of the public is required to provide all of the following information when submitting a written request for information recorded by a BWC:
      - a. the date and approximate time of the recording;
      - b. the specific location where the recording occurred; and

- c. the name of one or more persons known to be a subject of the recording.
    - i. If a requestor fails to provide this information the City Secretary shall respond in writing by making him or her aware of these requirements and requesting he or she provide the appropriate information.
    - ii. A failure to provide all of the information required to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.
4. Responding to a Request for BWC Videos. Upon receiving a proper request the City Secretary shall:
- a. Make a determination whether the requested BWC video is subject to the Act.
    - i. If the requested BWC video is not subject to the Act, the City Secretary shall immediately respond to the requestor noting that the video requested is not subject to the Act and therefore will not be released.
    - ii. If the requested BWC video is subject to the Act, the City Secretary shall coordinate with the Police Department and review the video to determine the appropriate response.
  - b. Make a determination whether any information in the video is related to a pending criminal investigation, references information confidential by law or whether the Act or other law excepts the information from disclosure to the public.
    - i. If the requested BWC video is not related to a pending criminal investigation, does not include information confidential by law or excepted from disclosure the City Secretary shall promptly, but no later than 10 business days from the date the request was received, make the video available to the requestor in accordance with the Act and these policies.
      - 1. Voluminous requests.
        - a. A request for BWC recordings is considered voluminous if it includes:
          - i. a request for BWC recordings from more than five separate incidents;
          - ii. more than five separate requests for BWC recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or
        - b. The City Secretary is considered to have promptly responded to a voluminous request for BWC recordings if he or she



- than 5 days after receipt of the request whether release of the video would further a law enforcement purpose.
- ii. If the City Secretary receives no written response from the Chief or if the Chief does not believe release would further a law enforcement purpose, the City shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from public release.
- b. BWC Videos Recorded in a Private Space. The City may not release any portion of a recording made in a private space without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative. Such permission should be procured by the requestor.
    - i. If the City receives a request for this type of information without the proper written authorization the City Secretary shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from public release.
  - c. BWC Videos Involving Class C misdemeanor with No Arrest. The City may not release any portion of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.
    - i. If the City receives a request for this type of information without the proper written authorization the City Secretary shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from public release.
  - d. Accidental Recordings. The City shall not release a BWC recording if the recording was not required to be made under this subchapter or another law or under a policy adopted by the West Lake Hills Police Department and does not relate to a law enforcement purpose.
    - i. If the City receives a request for this type of information without the proper written authorization the City Secretary shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from public release.

9. Municipal Court

- a. Courts and Judicial Branch agencies are not subject to the Texas Public Information Act nor to the federal Freedom of Information Act. However, to ensure efficient and consistent responses to requests for information held by the judiciary it is the City's policy that requests for information held by the West Lake Hills Municipal Court be processed in accordance with these guidelines.

- i. Access to Court Case Records.
  - 1. Court case records are records of any nature created, produced, or filed in connection with any matter that is or has been before a court.
  - 2. Court case records are considered information held by the judiciary. Therefore, the Public Information Act neither authorizes this information to be withheld nor requires it to be disclosed.
  - 3. Access to court case records is governed by common law, other statutory law and court rules.
  - 4. The custodian of court case records is the Clerk of the Court.
  - 5. Requests from the Public.
    - a. Requests from the public for court case records shall be immediately directed to the Court Clerk and processed in accordance with the following guidelines:
      - i. Generally, court case records filed with the Court are considered public and will be released to the public unless access is restricted by law or court order.
      - ii. The following is a non-exhaustive list of court case records that are considered records of the judiciary and therefore not subject to the Act, but are considered public records under other law and may be released to the public unless a specific court order prohibits release in a particular case:
        - 1. Summons and complaints;
        - 2. Final judgments;
        - 3. Final court orders, including orders of deferred disposition; and
        - 4. Executed arrest warrants and supporting affidavits.
      - iii. The following is a non-exhaustive list of court case records that are considered records of the judiciary and therefore not subject to the Act, but which are subject to other law prohibiting their release to the public:
        - 1. Records related to charges against or the conviction of a child, for a non-traffic related offense, see Article 45.0217 of the Code of Criminal Procedure.
        - 2. Records related to the conviction of or deferral of disposition for a child, for a non-traffic related offense, see Article 45.0217 of the Code of Criminal Procedure.
  - 6. Requests from a Defendant or Attorney of Record.
    - a. A request for a court case record from a defendant or attorney of record related to a pending Municipal Court case shall be forwarded to the City Prosecutor and processed in accordance with applicable discovery rules.
- ii. Access to Judicial Records.

1. Judicial records are records made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function.
2. Judicial records are consider information held by the judiciary. Therefore, the Public Information Act neither authorizes this information to be withheld nor requires it to be disclosed.
3. Access to judicial records are governed by Rule 12 of the Rules of Judicial Administration.
4. The custodian of judicial records is the presiding judge of the West Lake Hills Municipal Court.
5. Requests for Judicial Records.
  - a. Any request to inspect or copy a judicial record received by the City and properly directed to the Municipal Court Judge should be immediately, but no later than 2 days after being received, forwarded to the Presiding Judge to be processed in accordance with Rule 12 of the Rules of Judicial Administration.
  - b. All requests to inspect or copy a judicial record must be in writing, must include sufficient information to identify the record, and must be directed to the records custodian, the Presiding Judge and not to a court clerk or other agent for the records custodian.

VI. CHARGES TO A REQUESTOR

1. Administrative Code Charges Apply

- a. A requestor may ask to inspect information, get copies of the information, or both. If a request is for copies of information or to inspect information that requires redactions of confidential information then the charges approved by the Texas Public Information Act and found in Rule §70.3 of the Texas Administrative Code will apply.
- b. The City Secretary will be responsible for applying the charges per this policy, invoicing and collecting payment from requestors. The City Secretary will fully document the amounts, paid and unpaid, for every request in the PIR Log.

2. Providing Paper and other Physical Copies of Information

- a. Common fees that apply to hard copies of requested records are as follows:

Copies and/or printouts, standard and legal size	\$.10/page
Oversize paper copy	\$.50/page
Specialty Paper (map)	\$1.50/page
Specialty Paper (mylar, blueprint)	Actual Cost
Postage	Actual Cost
Diskettes/CD's	\$1.00
DVD	\$3.00

Body Worn Camera Recording	The City shall charge the fee set by the Attorney General.
Labor charge for locating, compiling, manipulating data, reproducing, and if necessary redacting confidential information	\$15/hour Does not apply to requests for 50 or fewer pages of paper records.
Overhead	20% of the charge made to cover any labor costs Only applicable when labor charges are appropriate.

- b. The Act does not require the City to create documents, therefore the City is not required to create and produce certified copies of city records. However, it is the City's policy to issue standard or legal size certified copies of city records upon request for \$2.00 per page.

3. Providing Electronic Copies of Information

- a. If a Requestor asks that information be provided in an electronic format (i.e., e-mail attachment, copied on to a CD or DVD) the City shall provide the information in the requested format if:
- i. the requested information is electronically stored;
  - ii. the City has the capability of providing it in that format; and
  - iii. the City it is able to provide it at no greater expense or time.
- b. The City has the capability to provide a Requestor with electronic copies of information via e-mail if the following conditions are met:
- i. the Requestor provides a valid e-mail address;
  - ii. the information being requested already exists in an electronic non-manipulative format, such as a .PDF file;
  - iii. no redactions of confidential information is needed;
  - iv. the electronic file is less than 20MB;
  - v. e-mailing the electronic file will not take longer than half an hour of personnel time; and
  - vi. payment, if applicable, for the documents has been received.
- c. The City has the capability to provide a Requestor with electronic copies of information via a disc if the following conditions are met:
- i. the information being requested already exists in an electronic non-manipulative format, such as a .PDF file;
  - ii. no redactions of confidential information is needed;
  - iii. copying the electronic file will not take longer than half an hour of personnel time; and
  - iv. payment, if applicable, for the documents has been received.
- d. Per page charges will not apply to copies provided electronically, but the following charges will apply:
- i. labor charges at the rate of \$15/hour for locating, compiling, manipulating data, and producing the information;
  - ii. overhead at the rate of 20% of the charge made to cover any labor costs;
  - iii. \$1 per CD and \$3 per DVD, if applicable.

- iv. If an electronic document requires programming or manipulation of data to be electronically released the requestor will be charged in accordance with that subsection.

4. Inspection of Information

- a. If the requestor does not request a copy of public information, no charge will be imposed for making the public information that exists in a paper record available for inspection unless:
  - i. the information being requested completely fills, or when assembled will completely fill, six or more archival boxes and would take 5 or more personnel hours to make available; or
  - ii. the information being requested is over 5 years old and would take 5 or more personnel hours to make available; or
  - iii. a page being requested contains confidential information that must be edited from the record before the information can be made available for inspection.
    - 1. If the information completely fills, or when assembled will completely fill, six or more archival boxes or is over 5 years old as described above, the City will charge the requestor the labor charges associated with making the documents available.
    - 2. If a redaction from a page is required, the City will charge \$0.10 per page for the cost of making a photocopy of the page from which confidential information must be edited.
- b. In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, the City will not charge to inspect this information unless complying with the request will require programming or manipulation of data.
  - i. If programming or manipulation of data is required, the City Secretary shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available.
  - ii. A charge under this section will be assessed in accordance with the Act and the section of this policy related to programming or manipulation of data.

5. Waiver of Costs

- a. The City shall waive the costs associated with producing the information if the total is less than \$1.00 because the actual cost of processing and collecting a charge less than \$1.00 will exceed the amount of the charge.
- b. The City shall reduce the costs associated with requests made by members of the media associated with local publications by \$10.00 because providing the public information to members of the media primarily benefits the general public.
- c. The City may provide a copy of a BWC recording without charge or at a reduced charge if it is determined by the Chief of Police that waiver or reduction of the charge is in the public interest.

6. Deposits and Overdue Balances

- a. A deposit of 50 percent of the entire estimated amount shall be imposed when the anticipated costs for the preparation of a copy of public information in the written itemized statement of charges provided by the City Secretary exceeds \$100.
- b. If a requestor has accrued over \$100 of overdue and unpaid balances related to previous requests, a deposit in the amount of the unpaid amounts owing to the City must be received before the City Secretary will begin preparing a copy of public information in response to a new request.
- c. If a deposit is required as detailed above, the request for a copy of public information is considered to have been received on the date the City receives the deposit for payment of anticipated costs or unpaid amounts.
- d. If a requestor modifies the request in response to the requirement of a deposit, the modified request is considered a separate request and is considered received on the date the City receives the written modified request.
- e. A requestor who fails to make a deposit before the 10th business day after the date the deposit is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

7. Programming and Manipulation of Data

- a. Definitions
  - iii. "Manipulation" means the process of modifying, reordering, or decoding of information with human intervention.
  - iv. "Programming" means the process of producing a sequence of coded instructions that can be executed by a computer.
- b. The City shall provide to a requestor written "programming or manipulation of data" statement described below if it is determined that:
  - i. responding to a request will require programming or manipulation of data; and
    1. compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or
    2. the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.
- c. Types of Information Requiring Programming or Manipulation of Data
  - i. The following are examples of the types of information that may be requested from the City that may require programming or manipulation of data in order to make them available to the public, this list is not intended to be exhaustive.
    1. E-mails. The City's e-mail correspondence is stored as "Outlook Message Format – Unicode (\*.msg)" files. To make an e-mail communication available to the public in an electronic, non-manipulative format the City must modify this information from the .msg format to a .pdf format. The City considers this a manipulation of data and the following procedures shall be followed.
    2. Audio and Video Files. The City's audio and video files are stored in a variety of different electronic formats on the City's servers. To make a video file available to the public the City may have to modify the information to another electronic format that is capable of being saved to a CD or DVD and accessible electronically by the public. The City considers this a manipulation of data and the following procedures shall be followed.

- d. The written “programming or manipulation of data” statement must include:
  - i. a statement that the information is not available in the requested form;
  - ii. a description of the form in which the information is available;
  - iii. a description of any contract or services that would be required to provide the information in the requested form;
  - iv. a statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general under Section 552.262; and
  - v. a statement of the anticipated time required to provide the information in the requested form.
- e. The City Secretary shall provide the written “programming or manipulation of data” statement to the requestor within 20 days after the date of the receipt of the request.
  - i. If the City Secretary needs additional time to provide the written statement s/he must provide written notice to the requestor, within 20 days after the date of receipt of the request, that the additional time is needed.
    - 1. If written notice above is provided the City Secretary has an additional 10 days to provide the written “programming or manipulation of data” statement.
- f. After providing the requestor with the written statement, the City does not have any further obligation to provide the information in the requested form or in the form in which it is available unless within 30 days the requestor states in writing to the City that the requestor:
  - i. wants the City to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the City agree; or
  - ii. wants the information in the form in which it is available.
  - iii. If a requestor does not make a timely written statement under Subsection (d), the requestor is considered to have withdrawn the request for information.
- g. The City Secretary shall maintain a file containing all programming and manipulation of data written statements issued under this section in a readily accessible location.