



Overview of the Public Information Act

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Overview

- Definition of Public Information
- Work-product privilege and draft documents
(City of Garland v. Dallas Morning News)
- Public Information Audit

PIA in Plain English

The City of Austin must release all public information requested by a member of the public, unless a specific provision of law allows it to be withheld and the City obtains permission to withhold it.

“Public Information” Defined

- Information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:
 - By a governmental body
 - For a government body and the body has a right of access to the information or uses public money to write, produce, collect, assemble or maintain the information
 - By an individual or employee in their official capacity and the information concerns official business
 - Includes electronic communication on any device if it relates to official business

Forms of Public Information

- Any physical medium
 - Paper, film, tape
 - Magnetic, optical, or solid state storage
- Any form
 - Database
 - Audio or video recordings
 - Photographs
 - Maps
 - Drawings
 - Emails, Internet postings, text messages, instant messages, Google chats, Facebook, Twitter, Instagram

Common Exceptions to Disclosure

- **552.101** – Common-law privacy, dates of birth of public, Local Government Code, Health & Safety Code, Occupations Code.
- **552.102** – Dates of birth of employees
- **552.103** – Pending, anticipated litigation
- **552.104** – Competitive bidding information
- **552.106** – Drafts of proposed ordinances and resolutions
- **552.107** – Attorney-client privilege
- **552.111** – Opinions related to policy making

Common Exceptions to Disclosure

- **552.117** – City employee personal information, if election is made
- **552.130** – Motor vehicle information
- **552.136** – Bank account, credit card, debit card numbers
- **552.137** – Personal e-mail addresses*
- **552.147** – Social Security numbers

- **Third Parties** – 552.110.

552.111 of the Government Code

- “An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the agency is excepted from the requirements of [public disclosure].”
- Work-Product Privilege – Protects information prepared by an attorney during litigation.
- Deliberative Process Privilege (*City of Garland*) – Protects advice, recommendations, and opinions reflecting the policy-making processes.

552.111 of the Government Code

- Work-Product Privilege – Protects information prepared by an attorney during litigation.
- Deliberative Process Privilege (*City of Garland*) – Protects advice, recommendations, and opinions reflecting the policy-making processes.
 - Purely factual information is not “deliberative;”
 - Must be related to broad policy-making matters; internal administrative or personnel matters are not related to policy making.
 - Drafts policy-making documents might be protected if released in final form.

Your Role as Commissioner

- Use your city-issued email address to conduct official city business.
- If you use a personal device for text messaging, retain text messages in accordance with departmental records retention policy.
- If asked, provide responsive information in a timely manner, even if you believe it is excepted from disclosure.
- Don't wait until the last minute.

Law Department's Role

- PIR Team – Processes incoming requests and organizes release of information to requestor.
- Open Government, Ethics & Compliance Division – Attorneys provide legal counsel and prepare AG ruling requests.

Public Information Audit

- Four Recommendations – All “In Progress”
 - Ensure departments have adequate resources to comply with the law;
 - Centralize management of all requests to ensure consistency;
 - Develop standard operating procedures and train staff;
 - Improve communications and feedback.

Questions?