

Open Records Request

Open Records Request for Information Under Texas Public Information Act

The Texas Public Information Act allows the public the right to request access to government information. All persons who request information must do so by submitting a written request that includes enough description and detail of the information you are requesting allowing the government body to accurately identify and locate the items which you are requesting.

Charges for Copies of Records:

Costs of Public Information shall fall in line with the schedules of the Texas Administrative Code Chapter 70 "Cost of Copies of Public Information".

If the estimated cost associated with the written request made exceeds \$40, the District shall provide an itemized statement and obtain approval in writing to generate records requested, which will be considered a guarantee of payment.

Property owners within the jurisdiction of the CAD shall be entitled to a copy of their own individual appraisal record, exemption application, or rendition one time annually at no charge.

All completed requests are final and non-refundable. It is the responsibility of the purchaser to understand the data files being purchased. The Falls County Appraisal District provides all products/data "as is" without warranty of any kind and is not responsible for recreating data files free of charge due to incorrect ordering of data.

If your request is out of the scope of staff capabilities and requires help from our software vendor, additional costs could incur.

Procedure for Records Believed to be an Exception to the Public Information Act:

If a public information request is made for records which appear to be an exception to the Public Information Act, such request shall be immediately forwarded to the Chief Appraiser. The Chief Appraiser will determine that the information requested is public in nature, said records shall be furnished within ten (10) days. If the Chief Appraiser believes the requested records are not subject to the Public Information Act, the CAD shall request an opinion from the District's legal counsel. The District shall then proceed based on the legal opinion given, and may seek an Attorney General's Opinion if necessary.

Please note:

All requests for Public Information must be in writing to protect the rights of the requestor as well as the rights of the Appraisal District. The attached form must accompany your request.

Requests for Public Information are processed in the order they are received and will receive a response within ten (10) business days. The day for processing starts on the first business day after the day it was received. Weekends and holidays are not counted as business days.

The 80th Texas Legislature added Section 552.148 to the Texas Government Code. This new law, effective June 18, 2007, accepts from disclosure information concerning property sales, descriptions, characteristics, and other related information provided by private entities to appraisal districts. This information may be disclosed to property owners or their agents for use at their protest hearings. Due to this change in the law, commercial and residential sales data is no longer generally available.

Charges for Copies of Public Information:

Additional postage charges may apply

Paper Copies

Standard Size Copies (8 ½ x 11): \$0.10/each

Oversize Paper Copies

Large Size Copies (11 x 17 or larger): \$0.50/each

Property Cards

Homestead Property Cards(s) at no charge to owner

ARB Hearing on Audio CD

\$1.00 each

Plat Copies

Paper Copy (8 1/2 x 11) Black/White: \$0.25/each Color: \$0.50/each

Electronic Data Requests

Computer Programming Time: \$28.50/hr.

Research/Personnel: \$15.00/hr.

Overhead Charges: 20% of labor charges

For Requests totaling over **\$100** a deposit may be required in advance.

Many of our appraisal reports are available for download on our website.

Written requests submitted under the Texas Public Information Act may be submitted by mail, email, or in person to the following:

Falls County Appraisal District
403 Craik Street
Marlin, Texas 76661
info@fallscad.net

Please fill out the following:

Full name of requestor: _____

Business/Cell or home phone number: _____

Mailing Address: _____

City _____ State _____ Zip _____

Property ID(s) or Property Owner:

Year(s) Subject to Request: _____

Description of Records Requesting:

How would you like to receive the requested information?

- Electronic format
- Paper
- CD

Texas Administrative Code

<u>TITLE 1</u>	ADMINISTRATION
<u>PART 3</u>	OFFICE OF THE ATTORNEY GENERAL
<u>CHAPTER 70</u>	COST OF COPIES OF PUBLIC INFORMATION
<u>RULE §70.3</u>	Charges for Providing Copies of Public Information

(a) The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).

(b) Copy charge.

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost;

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

(c) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

(1) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

(3) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.

(d) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(2) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

(3) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or

(B) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.

(4) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(5) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).

(6) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3.00 ; or Programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the

cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

(h) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

Cont'd...

[Next Page](#)

[List of Titles](#)

[Back to List](#)

[HOME](#)

[TEXAS REGISTER](#)

[TEXAS ADMINISTRATIVE CODE](#)

[OPEN MEETINGS](#)