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HOUSING AUTHORITY OF BEXAR COUNTY OPEN RECORD REQUESTS AND PROCEDURES

An open government is the cornerstone of a free society. The Texas Attorney General is responsible for ensuring that Texas government is open and accessible to all citizens. An open records request is a request for public information contained in the files or records of a governmental entity such as the Housing Authority of Bexar County. Records are available to the public pursuant to Chapter 552 of the Texas Government Code, commonly known as the "Open Records Act" or the "Public Information Act." The Act makes public, with a few exceptions, information that is collected, assembled, or maintained by the Bexar County Housing Authority. The public can use the Act to request information from the Bexar County Housing Authority.

Below is a brief summary of statutory requirements governing the public information request process, as well as a few tips and general guidelines for seeking information from the Housing Authority of Bexar County. The information provided in this summary is general in nature and not intended to be a complete summary of all provisions of the Act. Specific circumstances pertaining to a specific request may trigger other provisions of the Act not discussed here. All rights and obligations of the requestor and Housing Authority of Bexar County are determined by the Act.

Statutory Requirements

Statutory requirements that apply to governmental bodies that have received requests for public information can be found in the Public Information Act, which is codified at Chapter 552 of the Texas Government Code.

If the Housing Authority of Bexar County wishes to withhold information requested, then within 10 business days of receiving the request it must submit to the Requestor:

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- A written statement that the Housing Authority of Bexar County wishes to withhold the requested information and that the Housing Authority of Bexar County has asked the Texas Attorney General to determine whether the information requested is public information. Section 552.301(d)(1).
- A copy of the Housing Authority of Bexar County's written communication to the Texas Attorney General in which the Housing Authority of Bexar County asks for a decision. If the Housing Authority of Bexar County's written communication to the Attorney General discloses the requested information, a redacted copy may be provided. Section 552.301(d)(2).

When a Request Involves a Third Party's Privacy or Property Rights:

- The Housing Authority of Bexar County must make a "good faith attempt" to notify affected parties. If a request seeks proprietary information. No such requirement exists where a third party's privacy interests may be implicated by a request Section 552.305(d).
- Notice provided must be in writing and in the form prescribed by the Attorney General. Section 552.305(d)(1)-(2).

If the Housing Authority of Bexar County wishes to withhold information requested, then within 15 business days of receiving the request, it must

Submit to the Texas Attorney General:

- Written comments stating why exceptions to the Act apply and allow requested information to be withheld Section 552.301(e)(1)(A).
- A copy of the written request for information. Section 552.301(e)(1)(B).
- A signed statement stating the date the request for information was received by the Housing Authority of Bexar County or evidence sufficient to establish the date the request was received. Section 552.301(e)(1)(C).
- Copies of the documents at issue or a representative sample of the documents at issue. Section 552.301(e)(1)(D).
- Documents labeled in a way that indicates which exceptions apply to which parts of the documents sought to be withheld. Section 552.301(e)(2).

Submit to the Requestor:

- A copy of the written comments provided to the Texas Attorney General stating why the claimed exceptions apply. Section 552.301(e-1).
- 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. Section 552.301(e-1).

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If the Housing Authority of Bexar County is not going to request an Texas Attorney General's Opinion related to the request, then the Housing Authority of Bexar County must:

- Promptly comply with the request
- Submit a written statement to the requestor within 10 days confirming that the Housing Authority of Bexar County will comply with the request and provide costs and an invoice requesting payment (should it be required), or
- Submit a written statement to the requestor acknowledging receipt of the request and the inability to comply and the reason for the inability, including a need for clarification of the information sought.

How to Request Public Information

To request public information from the Housing Authority of Bexar County, please submit a written request using one of the following methods:

Email: mark.martinez@habctx.org

Fax: **210-231-2051**

Mail or in person at: **1017 N. Main Ave., Ste 201
San Antonio, TX 78212**

If the estimated cost of human resources and materials to fulfill the request for information exceeds \$40.00 an estimate of the cost will be provided and payment may be required to be received prior to commencing the work order to fill the request.

Practical Tips on Writing Effective Requests:

- All Open Records requests MUST be in writing
- There is no requirement that the requestor explain why the records are being requested
- A written request should reasonably identify the records needed/requested;
- Please include mailing address, phone number, or other means to contact you regarding your request
- There is NOT a specific form required for submitting requests, but one can be provided for your convenience if needed.
- Be sure to be precise in explaining your request - a description of the documents or records you are seeking always helps
- Do not assume your reader will understand what is being asked for

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- If what is requested is not abundantly clear, accurately and adequately described there may be a delay in getting the data requested
- If you don't know exactly what documents you want, then describe the information you need as specifically as possible - background information on the documents being requested is always helpful
- When requesting information please let this office know what format you wish the documents being requested to be provided – paper or electronic (please be aware that not all documents are stored in a paper format – many are in an electronic format)

HABC Board Approved January 26, 2016

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