

Public Information



Texas Government Code, Chapter 552, gives you the presumptive right to generally access government records. The designated Public Information Officer may not inquire into the reason for the request. Certain exceptions may apply. For example, litigation matters need to have a discovery request made instead of a public information request. Also, judicial records generally fall under Rule 12 of the Texas Rules for Judicial Administration. Please note that District Clerk and County Clerk public records may be obtained from those offices, and those records are subject to statutory fees.

Governmental bodies shall promptly release requested information that is not confidential by any exception. Although the requestor may need to pay applicable fees for making copies.

For additional information concerning the Texas Government Code and the rights of requestors and the access of information, visit [Texas Comptroller of Public Accounts](#).

Requesting Information

To request documents containing public information from Rusk County electronically, you may complete the following online form, which will be sent to the appropriate parties when submitted:

- You may mail your request to the attention of the applicable Elected Official or Department Head (the address and contact number for each office is located on the individual web page for that office).
- Please note that many records are already available online. For example, the auditor's web page has financial records, such as the county budget, available.
- Judicial records are available by visiting the link found on the homepage.
- Public Records can be found online on the County Clerk's page.

You may also contact the Office of the Attorney General, Open Records Hotline, at **512-478-6736** or toll-free at **1-877-673-6839**.

For complaints regarding overcharges, please contact the Texas Building and Procurement Commission at **512-475-2497**.

If you need special accommodation pursuant to the American With Disabilities Act (ADA), please contact the Commissioners Court staff at **903-657-0326** in advance so that reasonable accommodations may be arranged.

Rights and Responsibilities

Rights of Requestors

You have the right to:

- Prompt access to information that is not confidential or otherwise protected;
- Receive treatment equal to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- Receive a written statement of estimated charges;
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both;
- A waiver or reduction of charges if the governmental body determines that access to the information primarily benefits the general public; and
- Receive a copy of the communication from the governmental body asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy.

Responsibilities of Governmental Bodies

All governmental bodies responding to information requests have the responsibility to:

- Establish reasonable procedures for inspecting or copying public information and inform requestors of these procedures;
- Treat all requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements;
- Be informed about open records laws and educate employees on the requirements of those laws;
- Inform requestors of the estimated charges;
- Inform the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- Request a ruling from the Office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;

- Segregate public information from information that may be withheld and provide that public information promptly; and
 - Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body.
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Procedures to Obtain Information

15. Submit a request by mail, fax email or in person according to a governmental body's reasonable procedures.
16. Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested. **Please note that the governmental body does not have to conduct research or create new records not already in existence.**
17. Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

Information To Be Released

- You may review it promptly, and if it cannot be produced within 10 working days, the Public Information Officer or the responding official will notify you in writing of the reasonable date and time when it will be available.
- Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.

Cost of Records

- You must respond to any written estimate of charges within 10 business days of the date the governmental body sent it or the request is considered automatically withdrawn.
- Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100, or obtain a security deposit, before processing additional requests from you.

Information That May Be Withheld Due To An Exception

- By the 10th business day after a governmental body receives your written request, a governmental body must:

1. request an Attorney General opinion and state which exceptions apply;
 2. notify the requestor of the referral to the Attorney General; and
 3. notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General opinion and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
 - Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body. If the arguments disclose the requested information, the requestor may obtain a redacted copy.
 - The Attorney General must issue a decision no later than the 45th working day from the day after the Attorney General received the request for a decision. The Attorney General may request an additional 10 working day extension.
 - Governmental bodies may not ask the Attorney General to "reconsider" an opinion.