

Texas Workforce Commission

A Member of Texas Workforce Solutions

Diane D. Rath, Chair
Commissioner Representing
the Public

Ron Lehman
Commissioner Representing
Employers

Ronald G. Congleton
Commissioner Representing
Labor

Larry E. Temple
Executive Director

January 23, 2007

Re: Texas Workforce Commission Report Pursuant to Texas Government Code §552.274(b)
on Charges for Copies of Public Information

Dear Fellow Texans:

We are pleased to submit this report of the Texas Workforce Commission's procedure regarding charges for Public Information required by Texas Government Code §552.274(b). The Public Information Act requires that by the 30th day after the date on which a regular session of the Legislaturc convenes, each state agency shall issue a report that describes that agency's procedures for charging and collecting fees for providing copies of public information.

The Texas Workforce Commission (Commission) has set forth its policy regarding charging and collecting fees for providing copies of public information in the Commission rules at 40 TAC §800.6, which is attached for your reference. The procedure is based on the provisions relating to the Office of Attorney General rules relating to charges for copies of public information located at 1 TAC §70.1-§70.11. The Commission rule details the procedure for charging and collecting fees for public records. The attached rule was amended by the Commission on January 23, 2007, which will be effective on or about February 15, 2007, to update references to the Office of the Attorney General and to establish when charges for labor may be assessed if requests are under fifty pages.

If you have any questions regarding the open records procedures, please contact the Texas Workforce Commission Open Records Section at (512) 463-2422.

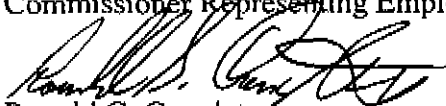
Sincerely,



Diane Rath
Chair and Commissioner Representing the Public



Ron Lehman
Commissioner Representing Employers



Ronald G. Congleton
Commissioner Representing Labor

Texas Workforce Commission
Report on
Charges for Copies of Public Information
Approved by the Commission January 23, 2007

The following report is mandated by the Texas Government Code, Chapter 552, §552.274(b). The chapter is commonly known as the Texas Public Information Act ("the Act"). The report is required biennially and was last published in January 2005.

The Texas Workforce Commission (Commission) has set forth its policy regarding charging and collecting fees for providing copies of public information in the Commission rules at 40 TAC §800.6. The Commission adopted amendments to the rule January 23, 2007 (these amendments are reflected in the rule language provided below). The amendments will be effective twenty days following the filing of the adopted amendments with the Texas Register. The rule amendment addressed updates for cross references to the Office of the Attorney General and charging for labor where permissible. The effective date is on or about February 15, 2007. The rule states as follows:

40 TAC §800.6 Charges for Copies of Public Information

§800.6. Charges for Copies of Public Records.

- (a) General Procedure. Except as otherwise specified in this chapter, the Commission hereby adopts by reference the definitions, methods, procedures, and charges for copies of public records required under the Office of the Attorney General rules (1 TAC, Chapter 70), as may be amended.
- (b) Methods of Making Requests. Requests may be submitted in writing to the following mailing address: Officer for Public Information, Texas Workforce Commission, 101 East 15th Street, Austin, Texas 78778-0001. Requests also may be submitted by e-mail or facsimile to designated e-mail and facsimile locations.
- (c) Standard Fees. The Commission may establish a standard fee for the handling of certain types of repetitive requests when the costs of responding to such requests are substantially similar in most cases. The standard fee will be the average costs of handling that type of request. The average cost is calculated using the personnel, resource, and overhead charges set forth in the Office of the Attorney General rules (1 TAC, Chapter 70) governing charges for copies of public records and will be based upon a survey of a representative sample of requests.
- (d) Adjustments for Actual Cost. In the event that the actual costs of responding to a given request are significantly lower or higher than the standard fee charged for that type of request, actual costs will be charged in lieu of the standard fee.
- (e) Program-Related Requests. No charge will be assessed to an individual or an employing unit for copies of records pertaining to that individual or employing unit when the provision of records is deemed by the Commission to be reasonably required for the

proper administration of the Texas Unemployment Compensation Act, found at the Texas Labor Code, Title 4, Subtitle A.

- (f) De Minimis Requests. No charge will be assessed to any individual or entity for providing copies of records in response to a request for public information under Texas Government Code, Chapter 552 when the total records provided in response to all requests made by that same individual or entity in any given 30-day period consist of fewer than 50 pages of readily available, standard-size pages maintained as paper documents, except that charges for materials, labor, and overhead may be assessed if the records are located in two or more separate buildings that are not physically connected to each other or are in a remote storage facility.
- (g) Requests by Other Governmental Entities. Notwithstanding any other provision in this section, provision of information to other governmental agencies for purposes other than the administration of the Texas Unemployment Compensation Act will be made only on a cost reimbursable basis, with all costs being calculated in accordance with OMB Circular A-87, as required by federal law at 20 Code of Federal Regulations §603 *et seq.* Charges to other governmental entities can only be waived when the request is of an isolated or infrequent nature and when the costs of responding to a particular request are negligible.
- (h) Certified Records. In addition to the fees the Commission may charge for providing copies of records, the Commission shall charge a fee of \$5.00 for preparation of a certification instrument which may be attached to one or more pages of records covered by the certification instrument.

The above rule is designed to be consistent with the requirements in Texas Government Code Chapter 552 and is based on the provisions in the rules adopted by the Office of the Attorney General that set forth provisions for charges for copies of public information. The Office of the Attorney General rules are located at 1 TAC §70.1-§70.11.

The Commission will continue to apply the provisions of the above Commission rule and the rules of the Office of the Attorney General.