

Texas Workforce Commission

A Member of Texas Workforce Solutions

Tom Pauken, Chairman

Ronald G. Congleton
Commissioner Representing
Labor

Andres Alcantar
Commissioner Representing
the Public

Larry E. Temple
Executive Director

February 1, 2011

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

Dear Fellow Texans:

We are pleased to submit this report of the Texas Workforce Commission's procedures regarding charges for Public Information required by Texas Government Code Section 552.274(b). The Public Information Act requires that by the 30th day after the date on which a regular session of the Legislature 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.

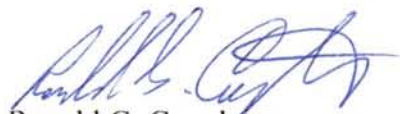
The Texas Workforce Commission has set forth its policy regarding charging and collecting fees for providing copies of public information in the Commission rules at 40 TAC Section 800.6, which is attached for your reference. The procedure is based on the provisions relating to the Office of Attorney General rules relating to charges for copies of public information located at 1 TAC Section 70.1-11. The Commission rule details the procedures for charging and collecting fees for public records. The attached rule was amended by the Commission on January 18, 2011, which will be effective on or about February 7, 2011, to update the procedures.

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

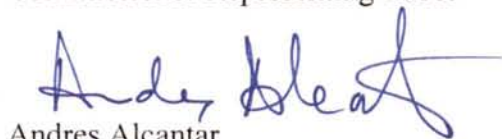
Sincerely,



Tom Pauken
Chairman and
Commissioner Representing Employers



Ronald G. Congleton
Commissioner Representing Labor



Andres Alcantar
Commissioner Representing the Public

Texas Workforce Commission
Report Concerning
Charges for Copies of Public Information

The following report is mandated by the Texas Government Code, Chapter 552, Section 552.274(b). The chapter is commonly known as the Texas Public Information Act (“the Act”).

The Texas Workforce Commission has set forth its policy regarding charging and collecting fees for providing copies of public information in the Commission rules at 40 TAC Section 800.6. The Commission adopted amendments to the rule January 18, 2011. 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.

§800.6. Charges for Copies of Public Records.

- (a) General Procedure. Except as otherwise specified in this chapter, for public information requests under Texas Government Code, Chapter 552, 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, Part 3, Chapter 70), as may be amended.
- (b) Written requests may be submitted:
 - (1) in person or by mail addressed to: Officer for Public Information, Texas Workforce Commission, 101 East 15th Street, Austin, Texas 78778-0001; or
 - (2) by e-mail or facsimile to designated e-mail addresses and facsimile numbers on the Agency's Web page.
- (c) Standard Fees. The Commission may establish a standard fee for the handling of common categories of requests that the Commission frequently receives when the costs of responding to such requests are substantially similar in most cases.
- (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) Unemployment Insurance-Related Requests.
 - (1) Unemployment Insurance (UI)-related records are exempt from Texas Government Code, Chapter 552.
 - (2) 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 (Texas Labor Code, Title 4, Subtitle A).

- (3) UI-related requests for purposes other than the administration of the Texas Unemployment Compensation Act shall be assessed a fee.
- (f) 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, consistent with generally accepted accounting principles or applicable regulations including, but not limited to, 20 C.F.R. §603.1 *et seq.* Charges to other governmental entities can be waived only when the request is of an isolated or infrequent nature and when the costs of responding to a particular request are negligible.
- (g) Certified Records. In addition to the fees the Commission may charge for providing copies of records, the Commission shall charge a fee of \$15.00 for preparation of a certification instrument, which may be attached to one or more pages of records covered by the certification instrument.