

PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

GBA

PUBLIC INFORMATION	<p>“Public information” means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by the Board or for the Board and to which the Board has a right of access. <i>Gov’t Code 552.002(a)</i></p>
AVAILABILITY	<p>Public information is available, at a minimum, to the public during the School’s normal business hours. <i>Gov’t Code 552.021</i></p>
MAKING A REQUEST	<p>A person who wishes to obtain public information under the Public Information Act, Texas Gov. Code § 552.001 <i>et seq.</i> (PIA) that is maintained by the Texas School for the Deaf (TSD) shall make the request in writing to any authorized TSD employee. Upon receipt of a written request for information, the TSD employee who receives the request shall immediately forward the request to the public information officer designated by the Superintendent to provide the information to the person who has initiated the PIA request.</p>
REQUESTS BY EMAIL OR FACISMILE	<p>If a request is made by email it must be addressed to public.information@tsd.state.tx.us. If a request is send to TSD by fax, it must be faxed to 512.462.5313.</p>
INFORMATION THAT MUST BE DISCLOSED	<p>Unless they are expressly confidential under other law, categories of public information that are not excepted from required disclosure under this policy include:</p> <ol style="list-style-type: none"> 1. A completed report, audit, evaluation, or investigation made of, for, or by the Board, except as provided in Government Code 552.108. 2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of the School. 3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds. 4. The name of each official and the final record of voting on all proceedings of the Board. 5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by the Board, on completion of the estimate. 6. A description of the School’s organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions. 7. A statement of the general course and method by which the School’s functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by the Board and a statement of general policy or interpretation of general applicability formulated and adopted by the board.
10. Any amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in adjudication of cases.
12. A policy statement or interpretation adopted or issued by the Board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under the School's policies.
15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege or confidential under other law.
16. Information that is also contained in a public court record.
17. A settlement agreement to which the Board is a party.

A court in this state may not order the Board or the School's officer for public information to withhold from public inspection any category of public information described above or to not produce the information for inspection or duplication, unless the information is expressly made confidential under other law.

Gov't Code 552.022

INVESTMENT
INFORMATION

Certain School investment information, as specified by Government Code 551.0225, is public information and not excepted from disclosure. *Gov't Code 552.0225*

PERSONAL
INFORMATION

EMPLOYEE / BOARD
MEMBER

Each School employee, other than a peace officer or security officer, and board member and each former employee and board member shall choose whether to allow public access to School-held information relating to the person's home address, telephone number, or social security number, or any other information that reveals whether the person has family members.

Employees and board members shall state their choice to the School's main personnel officer in a signed writing not later than

the 14th day after employment begins, election or appointment to the board occurs, or service with the School ends. If an employee or board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or board member may make a written request at any time to the personnel officer to open or close the information relating to the person's home address, telephone number, social security number, or any other information that reveals whether the person has family members. A written request made after the 14 days does not apply to an open records request made before the option was exercised.

Gov't Code 552.024; Tex. Att'y Gen. ORD-530 (1989)

PEACE OFFICERS /
SECURITY
OFFICERS

EMPLOYED BY
THE SCHOOL

School-held information relating to the home address, home telephone number, or social security number of employees who are peace officers, or security officers commissioned by the Board of Private Investigators and Private Security Agencies, or any information that reveals whether the officer has family members, is excepted from disclosure regardless of whether the officer chooses to restrict public access to the information under Government Code 552.024. *Gov't Code 552.117*

ALL OFFICERS

School-held information relating to the home address, home telephone number, social security number, or any information that reveals whether an officer has family members, of any peace officer, security officer, or other person listed at Government Code 552.1175 is confidential by law if the officer chooses to restrict public access and notifies the School on a form provided by the School, accompanied by evidence of the officer's status. *Gov't Code 552.1175*

NOTICE TO
REQUESTOR

If an employee or board member has opted to restrict public access to his or her personal information, the School may redact the personal information from any information the School discloses without the necessity of requesting a decision from the attorney general. The School may also redact information that must be withheld under Government Code 552.1175 without requesting an attorney general decision.

If the School redacts information under either of these provisions, the School shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024 or 552.1175, as applicable; and

3. Instructions regarding how to request a decision from the attorney general regarding whether the redacted information is excepted from required disclosure.

Gov't Code 552.024(c-2), 552.1175(h)

EVALUATIONS

A document evaluating the performance of a teacher or administrator is confidential. *Education Code 21.355*

EDUCATOR
CERTIFICATION EXAM

The results of an educator certification examination are confidential and are not subject to disclosure, unless:

1. The disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057; or
2. The educator has failed the examination more than five times.

Education Code 21.048(c-1)

CREDIT CARD, DEBIT
CARD, CHARGE CARD,
AND ACCESS DEVICE
NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for the School is confidential.

“Access device” means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

Gov't Code 552.136

E-MAIL ADDRESSES
CONFIDENTIAL

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with the School is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to the School by a person who has a contractual relationship with the School or by the contractor’s agent;
2. Provided to the School by a vendor who seeks to contract with the School or by the vendor’s agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to

the School in the course of negotiating the terms of a contract or potential contract;

4. Provided to the School on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to the School for the purpose of receiving orders or decisions from the School, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this section includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

The School may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2)

VICTIM OF ABUSE OR
IMPROPER
RELATIONSHIP

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

PARTICIPANT IN
ADDRESS
CONFIDENTIALITY
PROGRAM

Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking under Code of Criminal Procedure Chapter 56, Subchapter C is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed. *Code of Criminal Procedure 56.88*

VICTIMS OF CERTAIN
CRIMES

The School employee who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B may elect whether to allow public access to information held by the School that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. An election under this subsection must be made in writing on a form developed by the School, be signed by the employee, and be filed with the School before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132

INFORMATION
EXCEPTED FROM
PUBLIC DISCLOSURE

The Board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*
2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*
3. Information in the custody of the School that relates to an employee or officer of the School if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.151*
4. Information relating to litigation of a civil or criminal nature to which the School is, or may be, a party or to which an officer or employee of the School, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the School's public information officer receives the request. *Gov't Code 552.103*
5. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*
6. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the

project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

7. Drafts and working papers involved in the preparation of proposed legislation. *Gov't Code 552.106*
8. Information the School's attorney is prohibited from disclosing because of a duty to the School under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*
9. Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records. *Education Code 22.08391*
10. Criminal history record information obtained by the School from the Texas Department of Public Safety. *Gov't Code 411.097(d)(2)* [See CJA, DBAA]
11. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:
 - a. Information that deals with detection, investigation, or prosecution of crime; and
 - b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

Gov't Code 552.108

12. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*
13. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*
14. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*
15. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with the School.

Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)

16. An audit working paper of an audit of the School auditor, including any audit relating to the criminal history background check of a public school employee. If information in an audit working paper is also maintained in another record, that other record is not excepted. *Gov't Code 552.116*
17. Student records, except to School personnel, the student, or the student's parents, guardian, or spouse. The School is not required to release student records, except in conformity with FERPA. *Gov't Code 552.114, 552.026 [See FL]*
18. Information that relates to the home address, home telephone number, or social security number of the following persons, or that reveals whether the person has family members:
 - a. A current or former School employee or board member, except as provided by Section 552.024; or
 - b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Section 552.1175.

Gov't Code 552.117

19. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:
 - a. The officer is under indictment or charged with an offense by information;
 - b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
 - c. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

20. Test items developed by a state-funded educational institution. *Gov't Code 552.122*

21. The certified agenda or tape recording of a closed meeting, unless a court order makes it available for public inspection and copying. *Gov't Code 551.104(c)*
22. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:
 - a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
 - b. To a person with a special right of access under Government Code 552.023; or
 - c. To a law enforcement agency or prosecutor under a court order or subpoena.

Gov't Code 552.124

23. The name of an applicant for superintendent, except the Board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*
24. Motor vehicle record information that relates to:
 - a. A motor vehicle operator's or driver's license or permit issued by an agency of this state;
 - b. A motor vehicle title or registration issued by an agency of this state; or
 - c. A personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Gov't Code 552.130

25. An informer's name or information that would substantially reveal the identity of an informer, unless:
 - a. The informer consents. If the informer is a student or former student, consent may also be given by the informer's legal guardian or spouse; or

- b. The informer planned, initiated, or participated in the possible violation.

“Informer” means a student or former student or an employee or former employee of the School who has furnished a report of another person’s possible violation of criminal, civil, or regulatory law to the School or the proper regulatory enforcement authority.

The informer’s name may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law.

Gov’t Code 552.135

- 26. Information in a commercial book or publication purchased or acquired by the School for research purposes, if the book or publication is commercially available to the public. The School is not required to make copies of commercially available information, but the School shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the School.

Gov’t Code 552.027

- 27. Information that relates to economic development negotiations involving the Board and a business prospect that the board seeks to have locate, stay, or expand in or near the School, if that information relates to:

- a. A trade secret of the business prospect; or
- b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov’t Code 552.131(a)

- 28. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by the Board or by another person.

After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

- a. By the Board; or

30. INVESTMENT INFORMATION b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by the School or a reduction in revenue received by the School from any source.

Gov't Code 552.131(b), (c)

29. Information that relates to computer network security, to network security information that is restricted under Gov't Code 2059.055, or to the design, operation, or defense of a computer network. The following information is confidential:
- a. A computer network vulnerability report; and
 - b. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of the School or of a contractor of the School is vulnerable to unauthorized access or harm, including an assessment of the extent to which the School's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use.

The School may disclose the information to a bidder if the School determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 (requiring disclosure to any person).

Gov't Code 552.139

- MILITARY DISCHARGE RECORDS 31. A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of the School on or after September 1, 2003. The record is confidential for the 75 years following the date it comes into the possession of the School in accordance with Government Code Section 552.140. The School that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140*

- SOCIAL SECURITY NUMBERS 32. The social security number of a living person. The social security number is not confidential, however. The School may redact the social security number of a living person from any information the School discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*

INVESTMENT
INFORMATION

33. Certain School investment information, as specified by Government Code 552.143, is not public information and is excepted from disclosure. *Gov't Code 552.143*

FUTURE LEGISLATION
OR RULING OF A
COURT OR BY AN AT-
TORNEY GENERAL'S
OPINION

34. Any information that is hereafter made an exception to the Public Information Act by the legislature, by ruling of any court of proper jurisdiction or ruling of the Attorney General of the State of Texas.