Sec. 1. GENERAL PROVISIONS

a) *Public Information Defined*

For purposes of the Texas Public Information Act ("TPIA"), "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By the Board;
2. For the Board and the Board:
   a. Owns the information;
   b. Has a right of access to the information; or
   c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of Midland Academy Charter in the officer's or employee's official capacity and the information pertains to official business of Midland Academy Charter.

"Official business" means any matter over which Midland Academy Charter has any authority, administrative duties, or advisory duties.

Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by an officer or employee of Midland Academy Charter in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of Midland Academy Charter, and pertains to official business of Midland Academy Charter.

The definition of "public information" applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.
end

b) *Forms of Public Information*

The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, Photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

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4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

Sec. 2. PRESERVATION OF INFORMATION

The Board may determine a time for which information that is not currently in use will be preserved, subject to any applicable law or rule governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

Gov't Code 552.004(a), (c).

a) *Temporary Custodians*

For purposes of the TPIA, a "temporary custodian" means an officer or employee of Midland Academy Charter who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer's agent. The term includes a former officer or employee who created or received public information in the officer's or employee's official capacity that has not been provided to the officer for public information or the officer's agent.

A current or former Board member, officer, or employee of Midland Academy Charter does not have, by virtue of the individual's position or former position, a personal or property right to public information the individual created or received while acting in an official capacity.

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to Midland Academy Charter not later than the 10th day after the date the officer for public information requests the temporary custodian to surrender or return the information.

A temporary custodian's failure to surrender or return public information as requested by the officer for public information is grounds for disciplinary action by Midland Academy Charter, or any other applicable penalties authorized by the TPIA or other law.

Gov't Code § 552.003(7).

b) *Calculating Timelines*

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For purposes of requesting an Attorney General determination related to surrendered or returned to Midland Academy Charter by a temporary custodian, Midland Academy Charter is considered to have received the request for that information on the date the information is surrendered or returned to Midland Academy Charter. *Gov't Code 552.233*.

Sec. 3. ONLINE MESSAGE BOARD

If the Board maintains an online message board or similar Internet application under Government Code 551.006, and the Board removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the Board shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with the TPIA. *Gov't Code § 551.006(d)*.

Sec. 4. AVAILABILITY OF PUBLIC INFORMATION

Public information is available to the public, at a minimum, during Midland Academy Charter's normal business hours.

Sec. 5. OFFICER FOR PUBLIC INFORMATION AND REQUIRED NOTICES

a) *Officer for Public Information*

The <<Chief Executive Officer/Superintendent>> or designee shall be Midland Academy Charter's officer for public information. Each department head shall be an agent of the officer for purposes of complying with the TPIA.

The officer for public information is responsible for the release of public information as required by the TPIA, Government Code Chapter 552. The officer for public information shall:

1. Make public information available for public inspection and copying.
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.
3. Repair, renovate, or rebind public information when necessary to maintain it properly.
4. Make reasonable efforts to obtain public information from a temporary custodian if:
   a. The information has been requested from Midland Academy Charter;
   b. The officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
   c. The officer for public information is unable to comply with the duties imposed by the TPIA without obtaining the information from the temporary custodian; and
   d. The temporary custodian has not provided the information to the officer for public information or the officer's agent.

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The officer for public information is not responsible for the use made of the information by the requestor or the release of information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

Gov't Code § 552.201(a)–.204.

b) *Sign*

The officer for public information shall prominently display a sign in the form prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of Midland Academy Charter, and the procedures for inspecting or obtaining a copy of public information under the TPIA. The officer for public information shall display the sign at one or more places in the Midland Academy Charter administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Midland Academy Charter employees whose duties include receiving or responding to public information requests.

Sec. 6. <u>ACCESS TO PUBLIC INFORMATION</u>

a) *Rules of Access*

Midland Academy Charter may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the TPIA. *Gov't Code § 552.230.*

It shall be the policy of Midland Academy Charter to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code § 552.228.*

b) *Method of Making Written Request for Public Information*

A person may make a written request for public information only be delivering the request by one of the following methods to the designated officer for public information:

1. United States mail;
2. Electronic mail;
3. Hand delivery; or
4. Any other appropriate method approved by Midland Academy Charter, including facsimile transmission and electronic submission through the Midland Academy Charter website.

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Midland Academy Charter may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mail address to any person on request.

If Midland Academy Charter posts a designated mailing address or electronic mail address on the Midland Academy Charter website, or if Midland Academy Charter prints those addresses on the TPIA sign noted in Section 5(b), Midland Academy Charter is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;
2. By hand delivery; or
3. By a method that has been approved by Midland Academy Charter.

Gov't Code § 552.234.

c) *Inquiry of Requestors*

The officer for public information and agent shall not make an inquiry of a requestor, except to establish proper identification or to ask the requestor to narrow or clarify the request. The officer for public information or agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the TPIA. *Gov't Code §§552.222(a)-(b), .223–.224*.

d) *Location of Access*

Midland Academy Charter complies with a request for public information by:

1. Providing the information for inspection or duplication in Midland Academy Charter's offices (see TIME FOR EXAMINATION, section 6-g below); or
2. Sending copies of the information by first class mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Subchapter F of the TPIA (see COSTS AND CHARGES, below).
3. By referring a requestor to an exact Internet location or uniform resource locator ("URL") address on a website maintained by Midland Academy Charter and accessible to the public if the requested information is identifiable and readily available on that website. If the requestor prefers a manner other than access through the URL, Midland Academy Charter must supply the information by sending copies to the requestor, as described above. If the officer for public information provides by e-mail an Internet location or URL address, the e-mail must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through the United States mail, as described above.

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The TPIA does not authorize a requestor to remove an original copy of a public record from Midland Academy Charter.

Gov't Code § 552.221(b)-(b-2), .226.

e) *Time for Response*

Midland Academy Charter shall promptly produce public information for inspection, duplication, or both, on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

If Midland Academy Charter cannot produce the public information for inspection or duplication within 10 business days after the date the information is requested, the officer for public information or designee shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable because it is in storage or active use, the officer for public information or designee shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Gov't Code § 552.221.

f) *Requests to Clarify or Narrow*

If a large amount of information has been requested, Midland Academy Charter may discuss with the requestor how the scope of the request might be narrowed, but Midland Academy Charter may not inquire into the purpose for which the information will be used. If what information is requested is unclear to Midland Academy Charter, Midland Academy Charter may ask the requestor to clarify the request.

If the request included the requestor's physical or mailing address, Midland Academy Charter must send the request for discussion or clarification to that address by certified mail. The written request for discussion or clarification must include a statement as to the consequences of failure by the requestor to timely respond. If Midland Academy Charter does not receive a written response by the 61st day after Midland Academy Charter sends the written request, the underlying request for public information is considered to have been withdrawn by the requestor.

g) *Time for Examination*

A requestor shall complete the examination of the information not later than the 10th business day after the date the custodian of the information makes it available. If the requestor does not complete

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the examination within 10 business days and does not file a request for additional time, the requestor is considered to have withdrawn the request.

Midland Academy Charter shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files with the officer for public information or designee a written request for additional time. The officer or designee shall extend an additional examination period by another 10 business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by Midland Academy Charter if the information is needed for use by Midland Academy Charter. The period of interruption is not considered to be a part of the time during which the person may examine the information.

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of Midland Academy Charter on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code, Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.

Gov't Code § 552.221(e), .225.

h) *Electronic Data*

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. Midland Academy Charter shall provide a copy in the requested medium:

1. If Midland Academy Charter has the technological ability to produce the information in the requested medium;
2. If Midland Academy Charter is not required to purchase any software or hardware to accommodate the request; and
3. Providing the copy will not violate any copyright agreement between Midland Academy Charter and a third party.

If Midland Academy Charter is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, Midland Academy Charter shall provide a copy in another medium that is acceptable to the requestor. Midland Academy Charter is not required to copy information onto a diskette or other material provided by the requestor but may use Midland Academy Charter supplies.

Gov't Code § 552.228.

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i) ***Requests Requiring Programming or Manipulation of Data***

Midland Academy Charter shall provide the requestor a written statement, described below, if Midland Academy Charter determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
   a. Compliance with the request is not feasible or will result in substantial interference with operations; or
   b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with rules established by the Attorney General; and
5. A statement of the anticipated time required to provide the information in the requested form.

Midland Academy Charter shall provide the written statement to the requestor within 20 days after the date Midland Academy Charter receives the request. Midland Academy Charter has an additional 10 days to provide the statement if Midland Academy Charter gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

After providing the written statement described above, Midland Academy Charter has no further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the information in the requested form according to the time and cost parameters set out in the written statement, or according to other terms to which the requestor and Midland Academy Charter agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement, the requestor is considered to have withdrawn the request for information.

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. Midland

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Academy Charter shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

Gov't Code § 552.231.

j) ***Repetitious or Redundant Requests***

If Midland Academy Charter determines that a requestor has made a request for information for which Midland Academy Charter has previously furnished or made copies available to the requestor, Midland Academy Charter may:

1. Respond to the request for information as set forth below, at PROCEDURES, section 6-k below; or
2. Furnish the information, or make the information available to the requestor again in accordance with the request. If Midland Academy Charter selects this option, Midland Academy Charter is not required to comply with the procedures described below.

These provisions do not apply to information not previously furnished to a requestor. Midland Academy Charter shall treat a request for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, in the same manner as any other request for public information.

Gov't Code § 552.232(a), (d).

k) ***Procedures***

Midland Academy Charter shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date Midland Academy Charter received the requestor's original request for that information;
3. The date Midland Academy Charter previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or agent making the certification.

Gov't Code § 552.232(b), (c).

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l) *Requests for Contracting Information Not Maintained by Midland Academy Charter*

Midland Academy Charter shall comply with the requirements of Government Code 552.371 with respect to requests for public information related to certain contracts involving at least $1 million in public funds when information related to the contract is in the custody or possession of the contracting entity and is not maintained by Midland Academy Charter. *Gov't Code § 552.371*.

Sec. 7. ATTORNEY GENERAL DECISIONS

a) *Request for Attorney General Decision*

If Midland Academy Charter receives a written request for information that Midland Academy Charter reasonably considers to be within one of the exceptions to required disclosure and that Midland Academy Charter wishes to withhold from public disclosure, Midland Academy Charter shall request a decision from the Attorney General about whether the information is within the exception (see SUBMISSION TO ATTORNEY GENERAL, section 7-f below). For these purposes, the term "written request" includes a request sent by electronic mail or facsimile transmission to the officer or designee. *Gov't Code § 552.301(a).*

b) *Time for Request*

Midland Academy Charter must submit the request to the Attorney General not later than the 10th business day after receiving the written request. If Midland Academy Charter does not timely request a decision from the Attorney General and comply with the requirements at STATEMENT TO REQUESTOR, section 7-e below, the information is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code §§ 552.301(b), .302*.

c) *Calculating Timelines*

For the purposes of requesting an Attorney General decision, if Midland Academy Charter receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by Midland Academy Charter on the third business day after the date of the postmark on a properly addressed request. *Gov't Code § 552.301(a-1).*

For information surrendered or returned to Midland Academy Charter by a temporary custodian, Midland Academy Charter is considered to have received the request for that information on the date the information is returned or surrendered to Midland Academy Charter. *Gov't Code § 552.233(d)*.

d) *Previous Determinations*

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Except as set forth at Government Code section 552.301(g), Midland Academy Charter may not request an Attorney General decision if Midland Academy Charter has previously requested and received a determination from the Attorney General concerning the precise information at issue in a pending request and the Attorney General or a court determined that the information is not within one of the exceptions. This exception applies to specific information that is again requested from Midland Academy Charter after the Attorney General has previously issued a decision regarding the precise information or records at issue.

Midland Academy Charter may rely on a previous determination by the Attorney General regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district or charter school;
2. The previous decision concludes that the category of information is or is not excepted from public disclosure;
3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the Attorney General.

Midland Academy Charter shall notify the requestor in writing of the decision or ruling upon which it is relying if it relies on any previous determination to withhold information from disclosure.

Midland Academy Charter may withhold from public disclosure the categories of records listed at Texas Attorney General Open Records Decision 684 (2009).

Midland Academy Charter may withhold from public disclosure personally identifiable, non-directory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA").

e) *Statement to Requestor*

If Midland Academy Charter requests an Attorney General decision, it shall provide to the requestor within a reasonable time, but not later than the 10th business day after the date of receiving the requestor's written request:

1. A written statement that Midland Academy Charter wishes to withhold the requested information and has asked for a decision from the Attorney General about whether the information is within an exception to public disclosure; and
2. A copy of Midland Academy Charter's written communication to the Attorney General asking for the decision. If Midland Academy Charter's written communication to the

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Attorney General discloses the requested information, Midland Academy Charter shall provide a redacted copy of that written communication.

Gov't Code § 552.301(d).

f) *Submission to Attorney General*

When Midland Academy Charter requests an Attorney General decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the Attorney General all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
2. A copy of the written request for information;
3. A signed statement as to the date on which the written request for information was received by Midland Academy Charter or evidence sufficient to establish that date; and
4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. Midland Academy Charter shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

Midland Academy Charter shall send a copy of the comments to the requestor not later than the 15th business day after Midland Academy Charter receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code § 552.301(e), (e-1).

Unless the information is confidential by law, Midland Academy Charter may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the Attorney General or a court with jurisdiction. *Gov't Code § 552.303(a)*.

g) *Additional Information*

If the Attorney General determines that additional information is necessary to render a decision, the Attorney General shall give Midland Academy Charter and the requestor written notice of that fact. Midland Academy Charter shall submit the necessary additional information to the Attorney General not later than the seventh calendar day after the date the notice is received. If Midland Academy Charter does not comply with the Attorney General's request, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Gov't Code § 552.303(c)-(e)*.

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h) ***Privacy or Property Interests***

If information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552..110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), Midland Academy Charter may decline to release the information for the purpose of requesting a decision from the Attorney General. A person whose interests may be involved, or any other person, may submit in writing to the Attorney General the person's reasons why the information should be withheld or released. Midland Academy Charter may, but is not required to, submit its reasons why the information should be withheld or released. *Gov't Code § 552.305(a)-(c).*

i) ***Notice to Owner of Proprietary Information***

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (Proprietary Information), 552.113 (geological or geophysical information), 552.131 (economic development information), or 552.143 (investment information), Midland Academy Charter shall, when requesting an Attorney General decision, make a good faith attempt to provide written notice to that person of its request. The notice must:

1. Be sent within a reasonable time not later than the 10th business day after Midland Academy Charter receives the request for information; and
2. Include:
   a. A copy of any written request Midland Academy Charter received for the information; and
   b. A statement, in the form prescribed by the Attorney General, that the person is entitled to submit to the Attorney General, not later than the 10th business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

Gov't Code § 552.305(d).

Sec. 8. <u>CHARGES REGARDING TPIA REQUESTS</u>

a) ***Costs and Charges***

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead. The charges shall not be excessive and shall not exceed the actual cost of producing the information or for making public information that exists in a paper record available. Charges for providing a copy of public information are considered to accrue at the time Midland Academy Charter advises the requestor that the copy is available on payment of the applicable charges.

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i. *50 Pages or Fewer*

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. The charge for providing a copy may not include costs of materials, labor, or overhead.

ii. *Statement of Labor Costs*

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. Midland Academy Charter may not combine multiple requests from separate individuals who submit requests on behalf of an organization.

iii. *Attorney General's Rules*

Midland Academy Charter shall use the Attorney General's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information.

Midland Academy Charter may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, Midland Academy Charter may not charge an amount that is greater than 25 percent more than the amount established by the Attorney General, unless Midland Academy Charter requests an exemption.

iv. *Exemptions*

Midland Academy Charter may request that it be exempt from part or all of the rules adopted by the Attorney General for determining charges. The request must be made in writing to the Attorney General and must state the reason for the exemption. If Midland Academy Charter receives notice from the Attorney General that an exemption has been granted, Midland Academy Charter may amend its charges according to the Attorney General's determination.

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v. *Copies for Parents*

Midland Academy Charter may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code 26.012.

vi. *Statement of Estimated Charges*

If a request for a copy of public information will result in the imposition of a charge that exceeds $40, Midland Academy Charter shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact Midland Academy Charter regarding the alternative method. Midland Academy Charter must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after Midland Academy Charter provides the requestor the itemized statement but before it makes the copy or the paper record available, Midland Academy Charter determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, Midland Academy Charter shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

vii. *Requestor's Response*

A request for which Midland Academy Charter is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing Midland Academy Charter within 10 business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the Attorney General a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

viii. *Actual Charges*

If the actual charges exceed $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

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ix. *Timing of Deadlines*

An original or updated itemized statement is considered to have been sent by Midland Academy Charter, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the U.S. mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on Midland Academy Charter for requesting a decision by the Attorney General under Government Code 552, Subchapter G.

Gov't Code § 552.2615.

b) *Deposit or Bond*

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (see STATEMENT OF ESTIMATED CHARGES, section 8-a-vi above); and
2. The charge for providing the copy is estimated by Midland Academy Charter to exceed $100, if Midland Academy Charter has more than 15 full-time employees, or $50, if Midland Academy Charter has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

Gov't Code § 552.263(a), (b).

For the purposes of charging for providing copies of public information or for requesting an Attorney General's opinion, a request for a copy of public information is considered to have been received by Midland Academy Charter on the date Midland Academy Charter receives the deposit or bond. *Gov't Code § 552.263(e)*.

A requestor who fails to make such a deposit or post such a bond before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request. *Gov't Code § 552.263(f)*.

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i. *Modified Request*

If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date Midland Academy Charter receives the written modified request. *Gov't Code § 552.263(e-1).*

ii. *Unpaid Amounts*

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes Midland Academy Charter in relation to previous public information requests before preparing a copy of public information in response to a new request, if those unpaid amounts exceed $100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means. *Gov't Code § 552.263(c)*.

If Midland Academy Charter receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from Midland Academy Charter as provided under Government Code 552.261(b), Midland Academy Charter may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code § 552.2661*.

iii. *Documentation of Unpaid Amounts*

Midland Academy Charter must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure. *Gov't Code § 552.263(d)*.

iv. *Waivers*

Midland Academy Charter shall provide a copy of public information without charge or at a reduced charge if Midland Academy Charter determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the public. If the cost to Midland Academy Charter of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, Midland Academy Charter may waive the charge. *Gov't Code § 552.267.*

c) *Government Publications*

The cost provisions described above do not apply to a publication that is compiled and printed by or for Midland Academy Charter for public dissemination. If the cost of the publication is not determined by state law, Midland Academy Charter may determine the charge for providing the publication, or Midland Academy Charter may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code § 552.270.*

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Sec. 9. INSPECTION OF PUBLIC INFORMATION

a) *Inspection of Public Information*

If the requestor does not request a copy of public information, Midland Academy Charter may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below. *Gov't Code § 552.271(a)*.

i. *Confidential Information*

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, Midland Academy Charter may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code § 552.271(b)*.

ii. *Payment, Deposit, or Bond*

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

Gov't Code § 552.271(c).

If Midland Academy Charter has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code § 552.271(d).

b) *Electronic Records*

If Midland Academy Charter receives a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, Midland Academy Charter may

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not impose a charge for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, Midland Academy Charter shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by Midland Academy Charter, and the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on Midland Academy Charter's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, Midland Academy Charter may impose charges.

If Midland Academy Charter creates or keeps information in an electronic form, Midland Academy Charter is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

Gov't Code § 552.272.

Sec. 10. TEMPORARY SUSPENSION OF TPIA DUE TO CATASTROPHE

The requirements of the TPIA do not apply if Midland Academy Charter is currently significantly impacted by a catastrophe such that that catastrophe directly causes the inability of the school to comply with the TPIA and complies with the requirements below for declaring a suspension period.

"Catastrophe" means a condition or occurrence that directly interferes with the ability of Midland Academy Charter to comply with the TPIA's requirements, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened acts of lawlessness or violence.

"Catastrophe" does not mean a period when staff is required to work remotely and can accces information responsive to an application for information electronically, but the physical office of the school is closed.

"Suspension period" means the period of time during which Midland Academy Charter may suspend the applicability of the TPIA's requirements.

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a) ***Initial Suspension Period***

The Board may suspend the applicability of the TPIA to Midland Academy Charter for an initial suspension period. The School may suspend the TPIA only once for each catastrophe. The initial suspension may not exceed seven consecutive days and must occur during the period that:

1. Begins not earlier than the second day before the date Midland Academy Charter submits notice to the Attorney General; and
2. Ends not later than the seventh day after the date Midland Academy Charter submits that notice.

b) ***Extension of Initial Suspension Period***

The Board may extend an initial suspension period if the Board determines that Midland Academy Charter is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends. The combined suspension period may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

c) ***Informing the Attorney General***

If the Board elects to suspend the TPIA, Midland Academy Charter must submit notice to the Attorney General that Midland Academy Charter is currently impacted by a catastrophe and has elected to suspend the applicability of the TPIA during the initial suspension period. The notice must be on the form prescribed by the Attorney General, and must require Midland Academy Charter to:

1. Identify and describe the catastrophe that Midland Academy Charter is currently impacted by;
2. State the date the initial suspension period determined by the Board begins and the date that period ends;
3. If the Board has determined to extend the initial suspension period:
   a. State that Midland Academy Charter continues to be impacted by the catastrophe; and
   b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the Attorney General determines necessary.

d) ***Informing the Public***

If the Board elects to suspend the TPIA, Midland Academy Charter must provide notice to the public of the suspension in a place readily accessible to the public and in each other location

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Midland Academy Charter is required to post a notice under the Open Meetings Act. Midland Academy Charter must maintain the notice of the suspension during the entire suspension time.

e) ***Requests Received During a Suspension Period***

A request for public information received by Midland Academy Charter during a suspension period is considered to have been received by Midland Academy Charter on the first business day after the date the suspension period ends.

f) ***Pending Requests Tolled During a Suspension Period***

A TPIA request received by Midland Academy Charter before the date an initial suspension period begins is tolled until the first business day after the date the suspension period ends.

Gov't Code § 552.233.

Sec. 11. PRODUCTION OF PUBLIC INFORMATION WHEN ADMINISTRATIVE OFFICES CLOSED.

If the Midland Academy Charter closes its physical offices but requires staff to work, including remotely, then the School shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to responsive information. Failure to respond to an application for information may constitute a refusal to request an AG decision or a refusal to supply public information or information that the Attorney General has determined is public information.

Tex. Gov't Code §552.2211.

SEC 12. MISCELLANEOUS

a) ***Limit on Personnel Time for Large or Frequent Requests***

After Midland Academy Charter personnel collectively have spent 36 hours of time producing public information for a requestor during the Midland Academy Charter fiscal year, Midland Academy Charter shall charge the requestor for any additional personnel time spent producing information for the requestor, in accordance with law.

i. *Request by Minor*

Any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent,

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guardian, or other person establishes that another person submitted that request in the name of the minor.

ii. *Exception*

This section does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. Dissemination by a news medium or communication service provider, including (a) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or (b) an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
2. Creation or maintenance of an abstract plant as described by Insurance Code § 2501.004.

"Communication service provider" has the meaning assigned by Civil Practice and Remedies Code § 22.021.

"News medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

1. Print;
2. Electronic;
3. Mechanical;
4. Photographic;
5. Radio;
6. Television; and
7. Other means, known or unknown, that are accessible to the public.

This section also does not apply if the requestor is an elected official of the United States, the State of Texas, or a political subdivision of the State of Texas, or a representative of a publicly funded legal services organization that is a federal tax exempt entity under Section 501(c)(3), Internal Revenue Code of 1986.

iii. *Written Statement of Personnel Time*

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Each time Midland Academy Charter complies with a request for public information, Midland Academy Charter shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time in the statement.

iv. *Written Estimate of Charges*

If the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, Midland Academy Charter shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. Midland Academy Charter shall provide the written estimate on or before the 10th day after the date on which the request was made. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the Attorney General.

When a request is made by a requestor who has made a previous request to Midland Academy Charter that has not been withdrawn, for which Midland Academy Charter has located and compiled documents in response, and for which Midland Academy Charter has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, Midland Academy Charter is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or withdraws the previous request to which the statement applies.

v. *Additional Time*

If Midland Academy Charter provides the requestor with written notice that additional time is required to prepare the written estimate, Midland Academy Charter must provide the written estimate as soon as practicable, but on or before the 10th day after the date Midland Academy Charter provided the notice that additional time was required.

vi. *Acceptance of Charges*

If Midland Academy Charter provides a requestor with the estimate of charges and the time limits regarding the requestor have been exceeded, Midland Academy Charter is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date Midland Academy Charter provided the written estimate, the requestor submits payment of the amount stated in the written estimate. If the requestor fails or refuses to submit payment, the requestor is considered to have withdrawn the request.

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vii. *Waived or Reduced Charges*

This section does not prohibit Midland Academy Charter from providing a copy of public information without charge or at a reduced rate, or from waiving a charge for providing a copy of public information, under Government Code 552.267.

Gov't Code § 552.275.

b) *Filing Suit to Withhold Information*

Midland Academy Charter may file suit seeking to withhold information if Midland Academy Charter receives a determination from the Attorney General that information must be disclosed to a requestor. The suit must be filed in Travis County district court against the Attorney General and must seek declaratory relief from compliance with the Attorney General's decision.

Midland Academy Charter must bring the suit not later than the 30th calendar day after Midland Academy Charter receives the Attorney General's decision. If Midland Academy Charter wishes to preserve an affirmative defense for its officer for public information, as provided by Government Code 552.353(b)(3), Midland Academy Charter must file suit not later than the 10th calendar day after receipt of the Attorney General's decision.

Gov't Code §§ 552.324, .353(b)(3).

c) *Parent's Request for Information*

Midland Academy Charter shall comply with a TPIA request upon receipt of a request from a parent for public information relating to the parent's child.

If Midland Academy Charter seeks to file suit to challenge a decision by the Attorney General in order to withhold information it must bring the suit not later than the 30th calendar day after the date Midland Academy Charter receives the decision of the Attorney General, unless an earlier deadline is established by the TPIA. Notwithstanding any other law, Midland Academy Charter may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If Midland Academy Charter does not bring suit within the period established, Midland Academy Charter shall comply with the decision of the Attorney General.

Gov't Code § 26.0085.

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