

Section 800.6 Charges for Copies of Public Records and Repeal of Sections 800.71-800.75 Charges for Copies of Public Records

The following Rule and Repeal will be effective August 20, 2000.

The Texas Workforce Commission (Commission) adopts new §800.6 and the repeal of §§800.71-800.75 relating to Charges for Copies of Public Records, with changes to the proposed text as published in the June 2, 2000 issue of the *Texas Register* (25 TexReg 5298).

The purposes of the repeal and new rule were to: (1) set forth the provisions relating to requesting public records; (2) review the provisions consistent with the rule review plan to assess whether the need for the provisions still exists; (3) add a designated e-mail address as follows: open.records@twc.state.tx.us; (4) add a preferred physical address for requests for copies of public records as follows: Officer for Public Information, Texas Workforce Commission, 101 East 15th Street, Austin, Texas 78778-0001; and (5) move the provisions relating to charges for copies of public records (40 TAC §§800.71-800.75) out of Subchapter C, which is to be the location for the rules relating to Reallocations.

By setting forth the e-mail and preferred physical addresses, the Commission enhances the public's options for submitting open records (public) requests and expedites responses to open records (public) requests by ensuring that open records (public) requests sent by mail are delivered directly to the Officer for Public Information.

The General Services Commission rules currently adopted by reference may be viewed at the following

link: [http://info.sos.state.tx.us/pub/plsql/readtac\\$ext.ViewTAC?tac_view=5&ti=1&pt=5&ch=111&sch=C&rl=Y](http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=5&ch=111&sch=C&rl=Y)

No comments were received from the public regarding the rules. Two non-substantive changes are made. One change at subsection (b) is to remove a specific room number from the address to avoid the need to revise the rule should the room number change in the future. The second change is to clarify that de minimis requests provisions apply to certain documents that are "maintained as paper documents." Specifically, subsection (f) is changed to apply to de minimis requests when the total records provided in response to all requests made by an 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."

The new rule is adopted under Texas Labor Code §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

§800.6. Charges for Copies of Public Records.

(a) General Procedure. Except as otherwise specified in this chapter, the Texas Workforce Commission (Commission) hereby adopts by reference the definitions, methods, procedures, and charges for copies of public records set out in the General Services Commission Rules at 1 TAC §§111.61 - 111.71, 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 made by electronic mail (e-mail) shall be submitted to open.records@twc.state.tx.us to be considered a valid request.

(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 General Services Commission rules 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.

(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 repeal is adopted under Texas Labor Code §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

§800.71. Charges for Copies of Public Records.

§800.72 Waiver of Fees for Program-Related Requests.

§800.73. Waiver of DeMinimis Fees in Response to Public Information Requests.

§800.74. Charges to Other Governmental Entities.

§800.75. Charges for Certification of Records.