

# SANTOS LAW

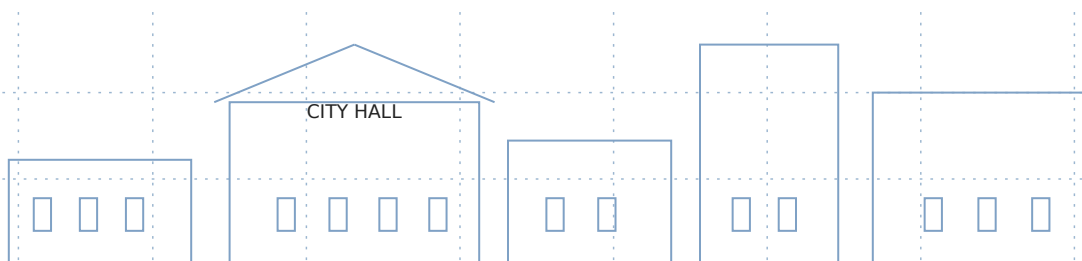


## Texas Public Information Act Field Guide for Texas Cities

*A practical Santos Law resource for mayors, councilmembers,  
city administrators, city secretaries, police chiefs, department heads,  
records custodians, and municipal staff*



This field guide provides a practical overview of the Texas Public Information Act for local officials and staff. It is designed to help cities navigate public information requests, deadlines, records searches, redactions, and sensitive records with clarity and confidence.



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## 1. Introduction

The Texas Public Information Act gives the public a right to inspect or receive copies of public information held by Texas governmental bodies, including cities. For city officials and staff, the Act is not just a legal compliance issue. It is a daily operations issue that affects public trust, staff workflow, litigation risk, and the city's credibility.

Most PIA problems do not start with bad intent. They start with delay, uncertainty, informal handling, incomplete searches, missed deadlines, or releasing sensitive records without review. This field guide is designed to help small and mid-size Texas cities respond in a consistent, practical way.

- The city secretary or designated public information officer should log, track, and coordinate requests.
- Department heads should promptly search for and preserve responsive records.
- Elected officials and employees should understand that city business can create public information even when conducted by text, personal email, or a personal device.
- Legal counsel should be involved early when records may be confidential, privileged, law enforcement-related, personnel-related, or connected to litigation, claims, complaints, or controversial city matters.

### Before You Act: Do not wait for perfect information

The first step is not legal analysis. The first step is routing and tracking. A request that sits in an inbox, text thread, or department file can create deadlines before anyone realizes the clock is running.

## 2. Public Information Act Quick Checklist

| Done                     | Action Item   |
|--------------------------|---|
| <input type="checkbox"/> | Was a request for information received?   |
| <input type="checkbox"/> | Is the request in writing or submitted through a city-designated method?  |
| <input type="checkbox"/> | What date was it received, and by whom?   |
| <input type="checkbox"/> | Has it been routed to the city secretary, records custodian, or public information coordinator?                   |
| <input type="checkbox"/> | Has the request been logged with the deadline dates?  |
| <input type="checkbox"/> | Are responsive records being collected from every likely department or official?                                  |
| <input type="checkbox"/> | Are records being preserved while the request is pending?   |
| <input type="checkbox"/> | Is any confidential, sensitive, privileged, personnel, police, juvenile, medical, or victim information involved? |
| <input type="checkbox"/> | Is a cost estimate, clarification, or narrowing request appropriate?  |
| <input type="checkbox"/> | Is an Attorney General ruling needed before withholding information?  |
| <input type="checkbox"/> | Has the city communicated clearly and professionally with the requestor?  |
| <input type="checkbox"/> | Has legal counsel been notified if a red-flag category is involved?   |

## 3. What Counts as Public Information?

Public information generally includes information written, produced, collected, assembled, or maintained in connection with official city business. The format does not control. The content and connection to city business control.

- Emails, letters, memoranda, agendas, notes, forms, reports, invoices, contracts, photos, videos, and recordings.
- Text messages, chat messages, social media messages, and communications on personal devices if they concern city business.

- Police reports, body camera footage, dash camera footage, incident logs, and other law enforcement records, subject to special review.
- Personnel, payroll, disciplinary, evaluation, and hiring-related records, subject to privacy and confidentiality rules.
- Records held by vendors, contractors, consultants, or outside platforms if they are maintained for or on behalf of the city.

#### **Common Mistake: Personal device myth**

A city-business text message does not become private merely because it was sent from a personal phone. Officials and employees should use city systems for city business whenever possible.

## **4. Receiving a Public Information Request**

A request does not need to use magic words. If a person asks in writing for existing city records or information, staff should treat it seriously and route it immediately. Staff should not argue with the requestor, ignore a misdirected email, or decide informally that the request is not valid without coordinating internally.

- 1 Save the request exactly as received.
- 2 Log the date, time, method, requestor contact information, and staff member who received it.
- 3 Forward it to the city secretary, public information officer, or designated records custodian the same day whenever possible.
- 4 Identify the departments, officials, employees, vendors, or systems likely to hold responsive records.
- 5 Preserve potentially responsive records and suspend deletion or routine cleanup for those records.
- 6 If the request is unclear or too broad, ask for clarification or narrowing in writing and include the required consequence language when appropriate.

#### **Safer Approach: Professional tone matters**

Even when a requestor is angry, accusatory, or politically motivated, the city should respond with neutral, process-focused communication. Do not let frustration drive the legal response.

## **5. Deadlines and City Response Duties**

The Act requires public information to be produced promptly. “Promptly” means as soon as possible under the circumstances, within a reasonable time, and without delay. The ten-business-day mark is not a general permission to wait. It is a critical deadline for certain notices and ruling requests.

- Clearly public information should be produced promptly after collection and review.
- If production will take longer than ten business days, the city should notify the requestor in writing and identify when the records will be available.
- If the city seeks to withhold information and no prior determination or statutory redaction authority applies, the city generally must request an Attorney General ruling within ten business days of receiving the request.
- If no responsive records exist, the public information officer must notify the requestor in writing not later than the tenth business day after receipt.
- Within fifteen business days of receiving a request for which a ruling is sought, the city must submit required briefing and records or representative samples to the Attorney General.

#### **Records Reminder: Small-city deadline system**

Use a simple tracker with four columns: date received, day 5 internal checkpoint, day 10 ruling/no-records/notice checkpoint, and day 15 briefing/sample checkpoint. Do not rely on memory.

## 6. Searching for Responsive Records

A defensible response requires a complete, reasonable search. The city should identify where responsive records are likely to exist and who is likely to have them. The search should not be limited to the easiest location or the department that first received the request.

- Email accounts and archived email.
- Paper files, agenda packets, minute books, binders, and department files.
- Shared drives, cloud folders, records management systems, and vendor platforms.
- Text messages, social media messages, and personal email accounts used for city business.
- Police RMS, CAD, body camera, dash camera, evidence systems, and incident report systems.
- Contractor, engineer, grant writer, consultant, auditor, or vendor records held on behalf of the city.

### Practice Point: Document the search

For sensitive or disputed requests, keep a short internal memo stating who searched, what systems were searched, what terms were used, what date the search occurred, and whether any records were found.

## 7. Common Exceptions and Confidential Information

The Act favors disclosure, but some records may be confidential or excepted from required public release. Staff should not make withholding decisions casually. Some exceptions may be waived if the city misses a ruling deadline; mandatory confidentiality generally requires careful handling even if deadlines are missed.

| Category                             | Handling note   |
|--------------------------------------|---|
| Attorney-client privilege            | Communications seeking or providing legal advice should be reviewed by counsel before release.  |
| Litigation and claims                | Records connected to pending or reasonably anticipated litigation may require legal review.   |
| Law enforcement records              | Active investigations, sensitive reports, juvenile information, victim information, and body camera footage require special handling.           |
| Personnel and privacy                | Personnel files may contain both public employment information and confidential personal or medical information.                                |
| Medical information                  | Medical records or health-related information should be screened carefully.   |
| Personal identifying information     | Dates of birth, driver license information, account numbers, access device numbers, and other identifiers may require redaction or withholding. |
| Peace officer information            | Certain peace officer home, family, contact, and safety-related information may be protected.   |
| Vendor or trade secret claims        | Affected third parties may need notice and an opportunity to submit arguments to the Attorney General.  |
| Information made confidential by law | Some statutes outside the PIA control whether information may be released.  |

## 8. Attorney General Ruling Requests

If the city wants to withhold requested information, it usually must ask the Texas Attorney General for a ruling unless a previous determination or statutory redaction authority applies. The ruling request process is deadline-driven and should be handled or reviewed by legal counsel.

- By the tenth business day: request a ruling, identify the exceptions claimed, notify the requestor, send the requestor a copy of the ruling request communication, and notify affected third parties when proprietary interests may be involved.
- By the fifteenth business day: submit written comments explaining why the exceptions apply, the written request, evidence of the date received, and the documents at issue or a representative sample marked to show the claimed exceptions.
- If the request is unclear and the city asks for clarification or narrowing in good faith, the ruling deadline is measured from the date the request is clarified or narrowed.
- Discretionary exceptions may be waived by missed deadlines. Mandatory confidentiality and third-party interests should still be reviewed carefully.

**Before You Act: Do not use the ruling process as a delay tactic**

If the city will release all responsive information, no ruling is needed. If the city will withhold information, involve counsel quickly and calendar the tenth and fifteenth business-day deadlines immediately.

## 9. Redactions, Production, and Communication

Production should be clear, organized, and professional. Redactions should be legally supported and limited to information that may or must be withheld. Over-redaction can create mistrust and unnecessary disputes; under-redaction can expose confidential information.

- Produce records electronically when feasible and consistent with the request.
- Use true redaction tools that remove underlying text and metadata, not just black boxes placed over text.
- Explain when no responsive records exist, rather than implying the city is withholding records.
- When charging for copies or labor, use the city’s adopted procedures and applicable law.
- Keep communications neutral and procedural. Do not argue the politics or motivation behind the request.

**Safer Approach: Release in organized batches when appropriate**

If a request is large, the city may reduce tension by producing clearly public records first while sensitive records are reviewed separately. Communicate the plan in writing.

## 10. Personnel Records and Employee Privacy

Personnel records often contain a mix of public and confidential information. Payroll, job title, basic employment status, and certain disciplinary records may be public, while medical information, private contact information, dates of birth, family information, and protected peace officer information may require redaction or withholding.

- Do not release entire personnel files without review.
- Screen for medical information, leave-related medical documentation, benefit forms, personal identifying information, and family information.
- Police department personnel files may include additional protected information.
- Employment complaints, disciplinary records, and investigations should be reviewed for privacy, litigation, law enforcement, and confidentiality issues.

**Common Mistake: “Personnel file” does not mean “automatically confidential”**

The correct approach is record-by-record review. Some information may be public; some may be confidential; some may require an Attorney General ruling.

## 11. Police Records and Law Enforcement Issues

Police records require extra care because they may involve active investigations, juvenile information, victim privacy, body camera footage, accident reports, sensitive law enforcement techniques, or officer safety information. Coordination between the police department, city secretary, and legal counsel is essential.

- Offense reports may contain a mix of public front-page information and sensitive investigative details.
- Accident reports may be subject to separate access rules.
- Body camera and dash camera footage should be preserved quickly and reviewed carefully before release.
- Juvenile records, victim information, medical information, and active investigations may require special handling.
- Closed investigations may still contain confidential information that should not be released without review.

**Before You Act: Police records are a red-flag category**

If a request involves police reports, body camera footage, juvenile information, victims, active investigations, or officer information, route it to legal counsel early.

## 12. Technology, Texts, Emails, and Personal Devices

City business increasingly happens through technology: text messages, personal email, social media, vendor portals, cloud platforms, and messaging apps. The city should treat the content and purpose of the communication as more important than the device or platform used.

- Officials and employees should use city email and approved city systems for city business whenever possible.
- Councilmember texts or personal emails about city business may be responsive to a PIA request.
- Social media messages involving official city business may need to be searched and preserved.
- Deleted messages can create records retention and litigation problems.
- Vendor platforms and cloud systems should be included in searches when they contain city records.

**Records Reminder: Train officials before the problem arises**

A short annual reminder about city email, texts, personal devices, and records retention can prevent many avoidable public information disputes.

## 13. Common Public Information Act Mistakes

- Missing the deadline to request an Attorney General ruling.
- Treating verbal frustration or political pressure as a reason not to respond.
- Failing to search all departments likely to have responsive records.
- Assuming text messages are not public records.
- Producing personnel records without review.
- Over-redacting without a legal basis.
- Ignoring requests sent to staff members or elected officials.
- Failing to notify legal counsel when sensitive records are involved.
- Saying “we do not have to create a record” without checking whether responsive records already exist.

**Practice Point: A consistent process beats heroic improvisation**

The best PIA systems are simple: one intake point, one log, a deadline tracker, a documented search process, and an early legal-review trigger for red-flag records.

## 14. Red Flag Scenarios: Call Legal Before Acting

City staff should not try to solve every PIA issue alone. The following situations should trigger early city-attorney involvement:

- Personnel records or employee discipline.
- Police records, body camera footage, dash camera footage, juvenile information, or victim information.
- Litigation, claims, complaints, demand letters, or threatened legal action.

- Councilmember emails, texts, or personal-device communications.
- A controversial city matter, public controversy, or media interest.
- Attorney communications or legal advice.
- Medical information, mental health information, or leave-related medical documents.
- Peace officer home, family, safety, or personal contact information.
- Vendor trade secrets, bid documents, or proprietary business information.
- Uncertainty about whether responsive records exist.
- A deadline to seek an Attorney General ruling is approaching.

**Before You Act: Early legal involvement is usually cheaper than repair work**

A short call before release, redaction, or deadline expiration can prevent waived exceptions, improper disclosure, and avoidable disputes.

## 15. Practical Tools and Templates

### Public Information Request Intake Checklist

Date received: \_\_\_\_\_  
 Method received: Email / Mail / Hand delivery / Online form / Other  
 Received by: \_\_\_\_\_  
 Requestor name/contact: \_\_\_\_\_  
 Summary of request: \_\_\_\_\_  
 Departments likely to have records: \_\_\_\_\_  
 Day 5 checkpoint: \_\_\_\_\_ Day 10 checkpoint: \_\_\_\_\_ Day 15 checkpoint: \_\_\_\_\_  
 Sensitive records involved? Yes / No / Unsure  
 Legal notified? Yes / No / Not needed

### Internal Records Search Memo

Request received on: \_\_\_\_\_  
 Search assigned to: \_\_\_\_\_  
 Departments/officials contacted: \_\_\_\_\_  
 Systems searched: email, paper files, shared drive, texts, RMS/CAD, body camera, vendor platform, other  
 Search terms used: \_\_\_\_\_  
 Records located: Yes / No  
 Notes on preservation or issues: \_\_\_\_\_

### Requestor Clarification Template

Thank you for your public information request. To help the City identify the records you are seeking, please clarify or narrow the request as follows: [describe needed clarification].  
 The City will proceed once it receives clarification or narrowing sufficient to identify the requested records.

### No Responsive Records Response Template

The City has reviewed its records and has not located records responsive to your request as written. This response does not mean records are being withheld; it means the City did not locate responsive records after review.

### Production Cover Email Template

Attached/enclosed are records responsive to your public information request. Certain information, if any, has been redacted or withheld as permitted or required by law. Please contact [City contact] if you have questions regarding the format of production or any cost-related issue.

## 16. City Attorney Practice Notes

**Practice Point: Train the first receiver**

The person who receives the request may not be the person who handles it. Train front-desk staff, department heads, police administration, and elected officials to forward written requests immediately.

**Common Mistake: Do not argue motive**

The requestor's motive usually does not control the city's duty to respond. Keep the city's communication focused on records, deadlines, clarification, costs, and legal review.

**Safer Approach: Separate "no records" from "withheld records"**

Those are different responses. If no responsive records exist, say so. If responsive records exist but may be withheld, evaluate whether a ruling or redaction authority is needed.

**Records Reminder: Use city systems**

The more city business occurs on city platforms, the easier it is to search, preserve, produce, and defend the city's response.

## 17. Conclusion

Most Public Information Act problems can be avoided through prompt routing, clear tracking, complete searches, careful review of sensitive records, and early legal involvement when exceptions or confidential information may apply.

For small and mid-size Texas cities, the goal is not to turn every request into a legal event. The goal is to build a simple process that staff can follow calmly and consistently, while escalating the few requests that truly require legal review.

**Practice Point: The operating rule**

Route fast. Track deadlines. Search completely. Preserve records. Review sensitive material. Communicate clearly. Call legal before withholding, redacting, or releasing red-flag records.

## Selected Authority and Reference Notes

- Texas Government Code Chapter 552 governs the Texas Public Information Act.
- Cities should maintain a written local process for receiving, routing, logging, searching, reviewing, producing, and documenting public information requests.
- Attorney General ruling deadlines and statutory redaction authority should be confirmed for each specific request because facts, deadlines, and exceptions can materially affect the analysis.
- The Texas Municipal League and the Office of the Attorney General publish public resources that can be useful for general orientation, but city-specific questions should be reviewed with counsel.

## Disclaimer

This field guide is provided for general informational purposes only. It is not legal advice and does not create an attorney-client relationship. Public Information Act issues are fact-specific. Texas cities should consult their city attorney regarding specific requests, deadlines, redactions, confidentiality concerns, Attorney General ruling requests, and records retention issues.