

From: Bill Aleshire bill@aleshirelaw.com 
Subject: Re: City of Austin PIRs
Date: March 15, 2017 at 5:46 PM
To: Anne Morgan Anne.Morgan@austintexas.gov
Cc: Hart, Elaine Elaine.Hart@austintexas.gov, Brown, Amanda Amanda.Brown@austintexas.gov

BA

Anne, I located your email. I think the separate requirement to submit PIRs to APD is something that has to be approved by Council, and the City Manager lacks authority to write procedures for processing PIRs, despite being the Officer for Public Information for the City. The TPIA rulemaking provision does not say the "Officer for Public Information" can write rules; it reserves that power to the City Council, "the governmental body." I also think it is not only an invalid/unauthorized procedure, but also an unnecessary obstacle to transparency to make requestors guess whether records they request from the Open Records Division should have been requested from APD, and not realize that APD will be left out of the search.

Bill Aleshire

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From: "Anne Morgan" <Anne.Morgan@austintexas.gov>
To: "Bill Aleshire" <bill@aleshirelaw.com>
Cc: "Hart, Elaine" <Elaine.Hart@austintexas.gov>, "Brown, Amanda" <Amanda.Brown@austintexas.gov>
Sent: Wednesday, March 15, 2017 5:26:56 PM
Subject: City of Austin PIRs

Dear Mr. Aleshire:

I write in response to your letter dated today (attached), which we received from Jo Clifton.

As I said to Ken Martin when he called me on the phone around 2 pm, we are hoping to streamline the process when we receive email requests for public information, not hamper the process. Let me explain.

No change to requests received via Website portal, mail, or fax

The vast majority of requests for public information come to the city through its website portal. The link to the portal is on the front page of the city's website, and on the Law Department page. There is NO CHANGE to the portal, and we anticipate that the vast majority of requestors will continue to use the portal to request public information, and this email designation will not have any effect on them.

Likewise, there is NO CHANGE for the individuals who send public information requests to the city by hand deliverv. mail or bv fax. They will be processed as usual.

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Requests for public information via email to individual city employees

The process change the Interim City Manager is implementing concerns only the small percentage of public information requests that come to the city, via email, to individual city employees. Going forward, if an individual city employee receives an email requesting public information, the city employee will redirect the member of the public to the proper city email address to receive requests. The reasoning behind the designation is to help alleviate multiple duplicate requests going to a variety of city employees, who then forward the requests to the Public Information Review Team. When this happens the Team members must review all of the requests to determine if they are exact duplicates, or not. This is time consuming and inefficient.

Process question

The Public Information Act designates the City Manager as the city's officer for public information and authorizes her to make this designation. See Gov't Code 552.201, .301(c). Based on our experience with the Attorney General's office, she is the appropriate person to designate a specific email address to receive the Public Information Act requests that come in via email. Likewise, based on our experience with the Attorney General's office, this is the proper manner to proceed if we want to designate a specific email address to receive requests.

I appreciate you raising concerns so we can address them immediately. If you or your clients see any issues as we proceed with this small change in process, please do not hesitate to let me know.

Anne L. Morgan
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