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| Title: Public Information held by a temporary custodian | | |
| Category: Public Relations & Communications | | |
| Reference Number: PR 2 | Initial Effective Date: 01/23/2020 | Last Revision Date: |

1) SCOPE

The purpose of this initiative is to establish requirements for retaining public information held by a temporary custodian on a private device or in a private account.

2) DEFINITIONS

“As Long as Administratively Valuable” – a record retention code established by the Texas State Library and Archives Commission described as “the immediate purpose for which the record was created has been fulfilled and any subsequent need for the record to conduct the operations of the agency, if any, has been satisfied.” Records falling into this category can be deleted unless they fall under a specific retention period in the City’s records retention schedule.

Public Information - information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body. 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 the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body. 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. [TEX. GOV'T CODE § 552.002(a)]

Records Management Officer – The office of the City Secretary, and the successive holders of such office, shall serve as records management officer for the City. The records management officer shall administer the records management program and provide assistance to department heads in its implementation.

Temporary custodian – a current or former officer or employee of a governmental body 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 of the governmental body or the officer's agent. [TEX. GOV'T CODE § 552.003(7)]

3) ROLES AND RESPONSIBILITIES

A. E-mails

- i. All City employees are required to use their City-issued email accounts to conduct City business. Employees are prohibited from using their personal email accounts to conduct City business. If an employee receives a city email at a private email address, the employee should immediately forward the email to his or her city email address for storage.
- ii. All public officials may be provided a City-issued email account to conduct City business. If a public official receives a city email at a private email address, the public official should immediately forward the email to his or her city email or to the City Secretary at citysecretary@cityofandrews.org for storage.
- iii. No email concerning City business should be destroyed or deleted except in accordance with the City's record retention policy.

B. Texts

- i. The use of texts should be avoided for communicating "administratively valuable" information.
- ii. Temporary custodians receiving "administratively valuable" texts should immediately request the communication be moved to an email or verbal exchange.
- iii. Temporary custodians are required to provide a screenshot of texts that are remotely "administratively valuable." Temporary custodians should immediately forward these screenshots to his or her city email or to the City Secretary at citysecretary@cityofandrews.org for storage.
- iv. The Records Management Officer should be contacted to determine whether or not a record is "administratively valuable."

C. Social Media Posts

Temporary custodians making posts on non-City social media regarding City business should capture their comment and forward to his or her city email or to the City Secretary at citysecretary@cityofandrews.org for storage.

D. Duty of Records Management Officer

Upon a properly submitted open records request to the records management officer, the records management officer is required to make a reasonable effort to obtain public information from a temporary custodian if:

- i. The information has been requested from the governmental body;
- ii. 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 requested information;
- iii. The officer for public information is unable to comply with their duties without obtaining the information from the temporary custodian; and
- iv. The temporary custodian has not provided the information to the officer for public information.

[TEX. GOV'T CODE § 552.203(4)]