

Public Information Requests to the Kendall County Criminal District Attorney's Office

The Texas Public Information Act gives the public the right to request access to government information. A Public Information request is a request for public information contained in the files or records of a Texas governmental agency. Public Information requests are governed by provisions of the Public Information Act as set out in Chapter 552 of the Texas Government Code. A request must ask for records or information already in existence. The Act does not require a governmental body to create new information, to do legal research, or to answer questions. A governmental body may make inquiries of a requestor in order to establish proper identification.

In compliance with Texas Government Code 552.205, basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information under the Public Information Act is attached in the pages following this document in English and Spanish titled "The Public Information Act."

Texas Government Code 552.230 authorizes a governmental body to promulgate reasonable rules of procedure for public information requests.

Please follow the procedure set out below to submit a Public Information request:

1. Locate the Kendall County CDA Public Information Request Form included in the pages following this document.
2. Fill out the form
3. Submit the form in any of the following ways:

My Mail to: **Kendall County Criminal District Attorney – PIR**
Kendall County Courthouse
201 East San Antonio, Suite 306
Boerne, Texas 78006

By Email to: **CDAPIR@co.kendall.tx.us**

In Person: **Same as mailing address**

If a government body displays a sign or publishes on its website a mailing address and/or electronic mail address designated for receiving written requests for public information, then the government body is not required to respond to a written request for public information unless the request is received at one of those addresses or by hand delivery.

All individuals who request public information have the responsibility to:

- Submit a written request according to a governmental body's reasonable procedures
- Include enough description and detail of the requested information so the governmental body can accurately identify and locate the requested items
- Cooperate with the governmental body's reasonable requests to clarify the type or amount of information requested
- Respond promptly in writing to all written communications from the governmental body (including any written estimate of charges)
- Make timely payment for all valid charges
- Keep all appointments for inspection of records or for pick-up copies

A copy of this information and links to forms and documents can also be found online at:

<https://www.kendallcountytexas.gov/193/Public-Information-Request>

**KENDALL COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE
TEXAS PUBLIC INFORMATION ACT INFORMATION REQUEST FORM**

For guidance regarding your rights as a requestor and public information procedures adopted by this office, see the required notice under 552.205 of the Texas Government Code online at <https://www.kendallcountytexas.gov/193/Public-Information-Request>, or posted outside the Kendall County Criminal District Attorney's Office. Additional Public Information Act resources are on the Office of the Attorney General's website at: <http://www.texasattorneygeneral.gov/open-government>.

Submit this form to: Kendall County Criminal District Attorney - PIR,
201 East San Antonio, Suite 306,
Boerne, TX 78006
CDAPIR@co.kendall.tx.us

Or by e-mail to:

A government body is not required to respond to a written request for public information unless the request is received by hand or at an address designated by the governmental body.

Requestor Contact Information: TX Gov't Code 552.222 allows a governmental body to establish proper identification

First Name: _____ Last Name: _____ M.I.: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

E-mail Address: _____ Phone Number: _____

Preferred Manner of Written Communication: _____

Description of the Information Requested: (Note: Describe the information as precisely as you can.)

Date Range (optional): From: _____ To: _____

Under the Public Information Act, some categories of information do not have to be released. Exceptions to disclosure fall into two general categories: 1) mandatory exceptions that make information confidential and require a governmental body to withhold information, and 2) discretionary exceptions that allow but do not require a governmental body to withhold information. You may find information about mandatory and discretionary exceptions online at: <https://www.texasattorneygeneral.gov/open-government/members-public/confidential-information-under-public-information-act>.

In most instances, a governmental body is required to request a decision from the Attorney General in order to withhold information from a requester. However, a requestor may permit a governmental body to redact information without requesting an Attorney General decision. You are not required to agree to the redaction of any information responsive to your request, but doing so may streamline the handling of your request. If you agree to redactions in this request, then you may request the redacted information in a future information request.

- Do you agree to the redaction of information that is subject to mandatory exceptions, provided such redactions are clearly labeled on the information you received?
- Do you agree to the redaction of information that is subject to discretionary exceptions, provided such redactions are clearly labeled on the information you receive?
- If requesting copies, how would you like to receive your copies?

INFORMATION PREFERENCES:

- How would you like to have the information provided?
- If available, do you wish to receive an electronic copy of the information, such as on a USB or CD-R/RW, that can be either mailed or picked up?
- If available online at a URL web address available to the public, do you agree to have the URL address emailed to you instead of picking up or having copies mailed to you?

Please Note: If the information requested is unclear or if a large amount of information is requested you may be contacted to discuss clarifying or narrowing your request. There may be charges associated with production of the requested information. You may find more information regarding the charges under the Public Information Act online at: <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/charges-public-information>.

THE PUBLIC INFORMATION ACT

Texas Government Code, Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies shall **promptly** release requested information that is not confidential by law, either constitutional, statutory, or by judicial decision, or information for which an exception to disclosure has not been sought.

Rights of Requestors

You have the right to:

- Prompt access to information that is not confidential or otherwise protected;
- Receive treatment **equal** to all other requestors, including accommodation in accordance with the Americans with Disabilities Act (ADA) requirements;
- Receive certain kinds of **information without exceptions**, like the voting record of public officials, and other information;
- Receive a **written statement of estimated charges**, when charges will exceed \$40, in advance of work being started and opportunity to modify the request in response to the itemized statement;
- Choose whether to inspect the requested information (most often at no charge), receive copies of the information or both;
- A **waiver** or reduction of charges if the governmental body determines that access to the information primarily benefits the general public;
- Receive a copy of the communication from the governmental body asking the Office of the Attorney General for a ruling on whether the information can be withheld under one of the accepted exceptions, or if the communication discloses the requested information, a redacted copy;
- Lodge a written complaint about overcharges for public information with the Office of the Attorney General. Complaints of other possible violations may be filed with the county or district attorney of the county where the governmental body, other than a state agency, is located. If the complaint is against the county or district attorney, the complaint must be filed with the Office of the Attorney General.

Responsibilities of Governmental Bodies

All governmental bodies responding to information requests have the responsibility to:

- Establish **reasonable procedures** for inspecting or copying public information and inform requestors of these procedures;
- Treat **all** requestors uniformly and shall give to the requestor all reasonable comfort and facility, including accommodation in accordance with ADA requirements;
- Be informed about open records laws and educate employees on the requirements of those laws;
- Inform requestors of the estimated charges greater than \$40 and any changes in the estimates above 20 percent of the original estimate, and **confirm that the requestor** accepts the charges, or has amended the request, in writing before finalizing the request;
- Inform the requestor if the information cannot be provided promptly and set a **date and time to provide it** within a reasonable time;
- Request a **ruling from the Office of the Attorney General** regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
- **Segregate** public information from information that may be withheld and provide that public information **promptly**;
- Make a good faith attempt to **inform third parties** when their proprietary information is being requested from the governmental body;
- Respond in writing to all written communications from the Office of the Attorney General regarding charges for the information. Respond to the Office of the Attorney General regarding complaints about violations of the Act.

Procedures to Obtain Information

- √ Submit a request by mail, e-mail, or in person, or any other appropriate method approved by the governmental body.**
- √ Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
- √ Cooperate with the governmental body's reasonable efforts to clarify the type or amount of information requested.

A. Information to be released

- You may review it promptly, and if it cannot be produced within 10 working days the public information officer will notify you in writing of the reasonable date and time when it will be available.
- Keep all appointments to inspect records and to pick up copies. Failure to keep appointments may result in losing the opportunity to inspect the information at the time requested.

Cost of Records

- **You must respond to any written estimate of charges within 10 days of the date the governmental body sent it or the request is considered automatically withdrawn.**
- If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full time employees) the governmental body may require a bond, prepayment or deposit.
- You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.
- Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

B. Information that may be withheld due to an exception

- If a governmental body determines the requested information is not subject to a previous determination or a statute that allows the information to be withheld without requesting a ruling, by the 10th business day after a governmental body receives your written request, a governmental body must:
 1. request an Attorney General Letter Decision and state which exceptions apply;
 2. notify the requestor of the referral to the Attorney General; and
 3. notify third parties if the request involves their proprietary information.
- Failure to request an Attorney General Letter Decision and notify the requestor within 10 business days will result in a presumption that the information is open unless there is a compelling reason to withhold it.
- Requestors may send a letter to the Attorney General arguing for release, and may review arguments made by the governmental body. If the arguments disclose the requested information, the requestor may obtain a redacted copy.
- The Attorney General must issue a decision no later than the 45th working day from the day after the attorney general received the request for a decision. The attorney general may request an additional 10 working day extension.
- Governmental bodies may not ask the Attorney General to "reconsider" a decision.

To request information from the Kendall County Criminal District Attorney's Office please submit a request form to:

By Mail: Kendall County Criminal District Attorney - PIR
Kendall County Courthouse
201 East San Antonio, Suite 306
Boerne, Texas 78006

By E-Mail: CDAPIR@co.kendall.tx.us

In Person: Same as mailing address

The request form can be obtained from the Criminal District Attorney's Office or online at <https://www.kendallcountytexas.gov/193/Public-Information-Request>.

For complaints regarding failure to release public information please contact your local County or District Attorney. **Kendall County Criminal District Attorney, 201 E. San Antonio, Suite 306, Boerne, TX 78006; T: 830-249-9343; cda@co.kendall.tx.us**

- You may also contact the **Office of the Attorney General**, Open Government Hotline, at 512-478-6736 or toll-free at 1-877-673-6839.
- For complaints regarding overcharges, please contact the **Office of the Attorney General**, Cost Hotline at 512-475-2497 or toll-free at 1-888-672-6787.

****A government body is not required to respond to a written request for public information unless the request is received by hand or at one of the addresses designated by the government body. See the highlighted information for the designated addresses.**

If you need special accommodation pursuant to the Americans With Disabilities Act (ADA), please contact the Kendall County Criminal District Attorney's Office.

LEY DE INFORMACIÓN PÚBLICA

El Capítulo 552 del Código Gubernamental de Texas (Texas Government Code), le otorga al público acceso a archivos gubernamentales sin que un funcionario de información pública o el agente del funcionario pregunten para qué se desea tal información. Se asume que toda la información gubernamental está disponible al público. Sin embargo, se podrían aplicar algunas excepciones a la revelación de alguna información. Los organismos gubernamentales deberán revelar **sin demora** la información solicitada que no es confidencial conforme a la ley o por decisión judicial o información para la que no se ha buscado una excepción a la revelación.

Derechos del Solicitante

Tiene derecho a:

- Acceso sin demora a información que no es confidencial o está de otra manera protegida;
- Ser tratado **igual** que los demás solicitantes, incluyendo instalaciones que cumplen con los requisitos de la Ley para Personas con Discapacidades (Americans with Disabilities Act, ADA);
- Recibir cierta información **sin excepciones**, tal como el expediente de votación de un funcionario público y otra información;
- Recibir por adelantado una lista detallada de los costos calculados, cuando el costo sobrepase 40 dólares, por trabajo que se haga y por la oportunidad de modificar la solicitud en respuesta a esta lista detallada;
- Elegir si desea inspeccionar la información solicitada (generalmente sin costo alguno), recibir copias de la información o ambas opciones;
- Una reducción o **eliminación** del costo si el organismo gubernamental determina que el acceso a la información beneficia a todo el público en general;
- Recibir una copia de la comunicación del organismo gubernamental la cual le solicita a la Procuraduría General una decisión sobre si se puede negar la información bajo una de las excepciones aceptadas o una copia redactada si dicha comunicación revela la información solicitada;
- Presentar una queja escrita ante la Procuraduría General de Texas por sobrecargos al brindar acceso a información pública. Las quejas sobre otras posibles violaciones se pueden presentar ante el fiscal de condado o distrito en el condado donde el organismo gubernamental, aparte de una agencia estatal, está localizado. Si la queja es contra el fiscal de distrito o del condado, la queja se debe presentar ante la Procuraduría General.

Responsabilidades de los Organismos Gubernamentales

Todos los organismos gubernamentales que responden a solicitudes de información tienen la responsabilidad de:

- **Establecer procedimientos razonables** para inspeccionar o copiar información pública e informar a los solicitantes de este procedimiento;
- Tratar a **todos** los solicitantes igual y brindarles las comodidades y facilidades razonables, incluyendo instalaciones que cumplen con los requisitos de la ADA;
- Estar informado sobre las leyes de transparencia gubernamental y educar a los empleados sobre los requisitos de tales leyes;
- Informar al solicitante del costo calculado si es más de 40 dólares y de cualquier cambio en los cálculos que sobrepasen el 20 por ciento del cálculo original y **confirmar que el solicitante** acepta los cargos o ha cambiado la solicitud, por escrito, antes de finalizarla;
- Informarle al solicitante si no se puede proveer la información con prontitud y establecer **una fecha y hora para presentarla** dentro de un tiempo razonable;
- Solicitar una **decisión de la Procuraduría General** sobre cualquier información que el organismo gubernamental no desee revelar y enviar una copia de la solicitud o una copia redactada al solicitante;
- **Separar** la información pública de la información que se puede retener y proveer al público la información pública **rápidamente**;
- Hacer un intento de buena fe **para informar a terceros** cuando su información de propiedad exclusiva está siendo solicitada del organismo gubernamental;
- Responder por escrito a todas las comunicaciones escritas de la Procuraduría General sobre el costo de la información. Responder a la Procuraduría General sobre quejas de violaciones a la Ley.

Procedimientos para Obtener Información

- ✓ Presentar la solicitud por correo, correo electrónico, en persona, o en otra manera apropiada que es aprobada por el organismo gubernamental.*
- ✓ Incluir suficiente descripción y detalle sobre la información que solicita para permitirle al organismo gubernamental identificar la información solicitada con exactitud y localizarla.
- ✓ Cooperar con los esfuerzos razonables del organismo gubernamental para aclarar el tipo o cantidad de información solicitada.

A. Información que se entrega

- Usted podría revisarla de inmediato, y si no se puede proporcionar dentro del plazo de 10 días hábiles, el funcionario de información pública le notificará por escrito de una fecha y hora razonables cuando estará disponible.
- Mantenga todas las citas para inspeccionar archivos o recoger copias. El no presentarse a las citas podría resultar en perder la oportunidad de inspeccionar la información en el momento solicitado.

Costo del expediente

- **Usted deberá responder a cualquier estimado por escrito de los cargos que se le envíe dentro de un lapso de 10 días a partir de la fecha en que el organismo gubernamental lo envió o la solicitud será considerada como retirada.**
- Si los costos calculados sobrepasan los 100 dólares (o 50 dólares si el organismo gubernamental cuenta con menos de 16 empleados de tiempo completo), el organismo gubernamental quizás requiera un bono, pago por adelantado o depósito.
- Usted le puede pedir al organismo gubernamental que considere si el proveer la información beneficia al público, lo que podría resultar en que no se le cobren o se reduzcan los cargos.
- Hacer el pago a tiempo de todos los costos acordados por ambos. Un organismo gubernamental puede exigir el pago de los saldos morosos que exceden 100 dólares u obtener un depósito de seguridad, antes de procesar solicitudes adicionales.

B. Información que podría no ser revelada debido a una excepción

- Si un organismo gubernamental determina que la información solicitada no es sujeta a una determinación previa o a una ley que permite no revelar la información sin solicitar una decisión, o al cumplir los 10 días hábiles después de que el organismo gubernamental recibe su solicitud escrita, éste debe:
 1. solicitar una Decisión por Carta del Procurador General y declarar las excepciones que aplican;
 2. notificarle al solicitante que se ha presentado la solicitud ante el Procurador General; y
 3. notificarle a terceros si la información tiene que ver con su información de propiedad exclusiva.
- Si no se solicita una Decisión por Carta del Procurador General y no se notifica al solicitante dentro de 10 días hábiles resultará en la suposición de que la información está disponible al público, a menos que exista una razón contundente para no revelarla.
- Los solicitantes pueden enviarle una carta al Procurador General exhortándole a que se revele la información y pueden revisar argumentos hechos por el organismo gubernamental. Si los argumentos revelan la información solicitada, el solicitante puede obtener una copia redactada.
- El Procurador General debe emitir una decisión antes de que se cumplan 45 días hábiles desde el día en que la Procuraduría General recibió la solicitud del organismo gubernamental. El Procurador General puede solicitar una extensión adicional de 10 días hábiles.
- Los organismos gubernamentales no pueden pedirle al Procurador General que "reconsidere" una decisión..

Para solicitar información pública de este organismo, favor de contactar a:

Por Correo: **Kendall County Criminal District Attorney - PIR**
Kendall County Courthouse
201 East San Antonio, Suite 306
Boerne, Texas 78006

Por correo electrónico: **CDAPIR@co.kendall.tx.us**

En persona en: **La misma que la dirección de correo**

El formulario de solicitud puede obtenerse en la Oficina de Abogados del Distrito Pendal o en línea en <https://www.kendallcountytexas.gov/193/Public-Information-Request>.

Para presentar una queja sobre información pública no revelada, favor de contactar a su Fiscal de Condado o Distrito. Por favor comuníquese para más información. **Kendall County Criminal District Attorney, 201 E. San Antonio, Suite 306, Boerne, TX 78006; T: 830-249-9343; cda@co.kendall.tx.us**

- También puede contactar a la **Procuraduría General**, Línea Especial de Transparencia Gubernamental al (512) 478-6736 o gratuitamente al 1-877-673-6839.
- Para presentar quejas relacionadas a sobrecargos, favor de contactar a la **Línea Especial de Costos de la Procuraduría General** al 512-475-2497 o gratuitamente al 1-888-672-6787.

*No se requiere que un organismo gubernamental responda a una solicitud escrita de información pública a menos que a solicitud se reciba a mano o en respuesta a las direcciones designadas a las direcciones designadas por el organismo gubernamental. Consulten la información resaltada para las direcciones designadas.

Si necesita un alojamiento especial conforme a la Ley de Estadounidenses con Discapacidades (ADA), comuníquese con la oficina de Kendall County Criminal District Attorney.