

# COUNCIL DATA REQUEST POLICY

## FOR INTERNAL USE ONLY

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**1. Introduction.**

This Council Data Request (CDR) Policy is to provide guidance for the Bastrop City Council and City Staff for gathering and distributing information to the Mayor and Council Members in their performance of official public duties regarding City-related business.

**2. Definitions.**

- (a) **Administration.** This term includes the City Manager and those City employees designated by the City Manager to assist with compliance with this policy, including the City Secretary.
- (b) **City Council.** This term includes the Mayor and Members of the Bastrop City Council.
- (c) **City Data.** This term includes information belonging to the City, in the possession of the City, or to which the City has a right to access that relates to the transaction of City-related business. This term includes Local Government Records, as defined by Texas Local Government Code § 201.003, which generally includes all data, regardless of its form, created by or received by the City, its officers, or employees in the transaction of public business.

**3. Access to Data.**

- (a) **Right of Access.** Every Council Member has the right to inspect and copy City Data.
- (b) **Confidential Data.** A Council Member’s right to access City Data includes information that may be Confidential. **For purposes of this Policy Confidential** shall be defined in accordance with the Texas Public Information Act, Texas Government Code Chapter 552, as it has been interpreted by Texas courts and the Office of the Texas Attorney General.
- (c) **Council Notification.** All Council Members will be notified that the requested information is available and asked if they would like to receive copies.

**4. Responsible Authority.**

The City Manager is responsible for compliance with this Policy. The City Manager may designate City employees (such as the City Secretary) to assist in complying with a CDR.

**5. Request Process.**

- (a) **Council Data Requests.** Must be submitted to the **City Secretary** in writing.
- (b) **Processing.** Requests will be received and processed only during normal business hours.
- (c) **Response Time.** Administration will provide data promptly, which is as soon as possible under the circumstances. If providing the data will take more than five (5) working days, Administration will notify the requesting Council Member that an additional five (5) working days is needed. If Administration anticipates that providing the data will require a substantial amount of time, the Administration will notify the requesting Council Member of an estimated time that the information will be available. Time limits will be reasonable and not for the purpose of delay.

**6. Restricted Access.**

- (a) If the City Manager has concerns regarding providing the requested data to the requesting Council Member, the City Manager will inform the Council Member in writing as soon as possible.
- (b) A reasonable basis warranting a delay by the City Manager includes concerns regarding pending or reasonably anticipated legal disputes, financial dealings, sensitive health information, real estate transactions, facility security, or matters of personal privacy.
- (c) If disagreement occurs between the requesting Council Member and the City Manager about the appropriateness of releasing the data, the item will be placed on the next available agenda for City Council deliberation with the City Attorney.

**7. Data Safeguards.**

- (a) The City Manager will inform Council Members if they are receiving data that is Confidential and clearly label or otherwise identify Confidential documents or data.
- (b) Council Members receiving data that is Confidential will store the information in files or databases that are not readily accessible to individuals who do not have authorized access, and which will be secured during hours when the offices are closed.
- (c) Confidential data must be kept only in City offices, except when necessary for the proper conducting of City business.
- (d) The City Manager may redact Confidential information from documents in providing a response to a Council Member's request if redaction is appropriate to safeguard the Confidential information and does not interfere with the use of the responsive documents for a Council Member's official duties. The City Manager will disclose the general nature of the redacted information and basis for the redaction when providing a redacted response. (For example, it may be appropriate to redact social security numbers, dates of birth, or protected health information where such information is deemed confidential under law, from a document that is responsive to the request, when the redacted information is not needed for the purpose of the requesting Council Member's official duties.) If disagreement occurs between the requesting Council Member and the City Manager about the appropriateness of redacting certain information, the item will be placed on an agenda for City Council deliberation with the City Attorney.