

CHISOLM TRAIL HOMEOWNERS ASSOCIATION, INC.

OPEN RECORDS POLICY

This open records policy is adopted by the Chisholm Trail Homeowners Association, Inc. (herein the "Association"). The Texas Property Code, gives a member the right to access Association records and an officer or director of the Association may not ask why you want them. All Association information is presumed to be available to members of the Association. Certain exceptions may apply to the disclosure of the information. The Association 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.

I. 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**,
- Receive a **written statement of estimated charges**, 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 Association determines that access to the information primarily benefits the general public;
- Receive a copy of the communication from the Association 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.

II. Responsibilities of the Association

The Association 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 members on the requirements of those laws;
- Inform the requestor if the information cannot be provided promptly and set a **date and time to provide it** within a reasonable time;
- Make a good faith attempt to **inform third parties** when their proprietary information is being requested from the Association.
- Respond in writing to all written communications from the Office of the Attorney General regarding charges for the information.

III. Procedures to Obtain Information

- Submit a written request by certified mail to the Association with sufficient detail describing the Member's request.
- The written request must contain an election either to inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.
- Include enough description and detail about the information requested to enable the Association to accurately identify and locate the information requested.
- Cooperate with the Association'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 Association 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.
- If the Association is unable to produce the books or records requested on or before the 10th business day after the date the association receives the request, the Association must provide to the requestor written notice that:
 - Informs the requestor that the association is unable to produce the information on or before the 10th business day after the date association received the request; and
 - States the date by which the information will be sent or made available for inspection to the requesting Member that is not later than the 15th business day after the date notice under this subsection is given.
- If an inspection is requested or required the inspection shall take place in a mutually agreed upon time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the requesting Member.

B. Cost of records

- **You must respond to any written estimate of charges within 10 business days of the date the Association sent it or the request is considered automatically withdrawn.**
- Make a timely payment for all mutually agreed charges. The Association can obtain a security deposit, before processing a request.

C. Information that may be withheld due to an exception

- By the 10th business day after the Association receives your written request, the Association must:
 - request an Attorney General opinion and state which exceptions apply;
 - notify the requestor of the referral to the Attorney General; and
 - notify third parties if the request involves their proprietary information.

Failure to request an Attorney General opinion 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 Association. 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.

The Association may not ask the Attorney General to "reconsider" an opinion.