



RESOLUTION NO 2019 -08

A RESOLUTION ESTABLISHING A POLICY FOR TEMPORARY CUSTODIANS HANDLING OF PUBLIC INFORMATION ON PRIVATELY OWNED DEVICES PURSUANT TO THE TEXAS PUBLIC INFORMATION ACT

WHEREAS, the City Council for the City of Pattison recognizes the importance of governmental transparency and the principals contained in the Texas Public Information Act (“TPIA”);

WHEREAS, the City Council intends that all electronic communications related to City business be maintained on City devices and available under the TPIA;

WHEREAS, City of Pattison elected officials, employees, contractor and volunteers who have a City e-mail address may on occasion receive or send emails or other communications on personal devices or via personal email accounts, that are related to City business;

WHEREAS, in the event that an occasional or inadvertent communication involving City business is sent from or received on a personal e-mail account or personal device, the elected official, employee, contractor or volunteer who has a City e-mail address shall forward such communication to his or her City e-mail address;

WHEREAS, “public information” includes “any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business, including any e-mail, internet posting, text message, instant message, [or] other electronic communication”; and

WHEREAS, effective September 1, 2019, a temporary custodian who has public information on a privately owned device is required to either: (1) forward or transfer the public information to the governmental body or a governmental body server to be preserved for the required record retention schedule; or (2) preserve the public information in its original form on the privately owned device and in a backup or archive for the required record retention schedule period; and

WHEREAS, the City Council finds that the law does not provide a method by which the City can access such records, however the City Council recognizes the importance of the public’s right of access to all information regarding the transaction of City business as allowed by law, and therefore elects provide a method of access.



NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PATTISON:

That it is the City's policy to adhere to the Texas Public Information Act, and the principals of governmental transparency contained therein, and to provide thorough and open public access to information regarding the transaction of City business as required by the TPIA.

That it is the City's policy for all communications in connection with the transaction of official business, for City of Pattison elected officials, employees, contractors and volunteers who have a City e-mail address, not to use personal e-mail addresses in connection with the transaction of official business to ensure that all information regarding the transaction of official business involving public information is open and available to members of the public as allowed by law; and

That it is the City's policy that in the case of an occasional or inadvertent email, text message or other electronic communication in connection with the transaction of official business on a personal device by a City of Pattison elected officials, employees, contractors and volunteers who have a City e-mail address, such person shall, as soon as practicable, forward such communication to his or her City e-mail address to be maintained and managed as official public records.

That this resolution does not waive any exceptions under the TPIA.

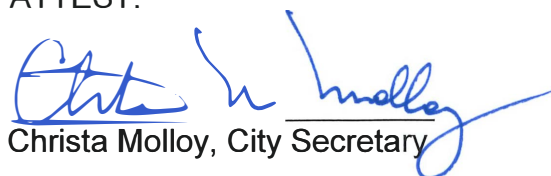
PASSED AND APPROVED this 17th day of September 2019.

CITY OF PATTISON



Joe Garcia, Mayor

ATTEST:



Christa Molloy, City Secretary