

Texas Fire Chiefs Association
DOCUMENT SUBMISSION FORM

Candidate Department: **Irving Fire Department**

Best Practice Standard: 5.03 Release of Information

Proofs of Compliance Submitted:

1. Records and Information Management – Department Directive
2. GOP 15.0 – Open Record Requests and Training Documentation

Submitted By: Scott Johnson, Program Manager

Date:

Evaluator's Review

Evaluator:

Date Accepted:

Departmental Directive

TO: All Members of the Fire Department
FROM: Russell Wilson, Assistant Fire Chief
DATE: June 19, 2013
SUBJECT: Records and Information Management

To maintain compliance with the Texas Fire Chiefs Association's Best Practices recommendations, the Irving Fire Department (IFD) shall maintain practices per the following subsections of Chapter 5:

Privacy and Security of Records – The Fire Program Supervisor will be responsible for maintaining the security and confidentiality of all IFD personnel records. This may include documents pertaining to discipline, formal investigations, and other sensitive reports except where designated differently by Texas Local Government Code 143.

Records Retention – Records management practices adhered to by the City of Irving and the IFD are listed on the city's intranet at: S:\COI Projects\Record Liaisons Site. This Records Control Schedule complies with state law and the Retention Schedule for Records of Public Safety Agencies prescribed by the Texas State Library and Archives.

Release of Information – The IFD adheres to the latest edition of the Public Information Handbook of the Attorney General of Texas. Open records requests particular to the IFD will be received by the Fire Marshal, who will be responsible for the collection and sending of such information to the City Attorney's office for review. The City Attorney's office shall make determination of any and all documents subject to release.



Russell Wilson, Assistant Fire Chief
Irving Fire Department

15.0 – OPEN RECORD REQUESTS

A. Purpose

To provide a process by which the Irving Fire Department (IFD) processes any and all department related Open Records Requests. The information in this policy has been based on the latest edition of the Texas Attorney General's Public Information Handbook. The information published in the Texas Attorney General's Public Information Handbook shall always take precedence.

B. Scope

The Irving Fire Department (IFD) has ten (10) business days to provide a complete response to Open Record Requests (ORR). The "60 day letter" is no longer a legal means of addressing ORR. The 10 day deadline is a requirement set forth by State Law. Failure to comply may result in criminal penalties. If the compilation of the requested information is expected to exceed ten business days from the original request, the department shall certify in writing the date and approximate hour, within a reasonable time, when the information will be available and forward a copy of the letter to the Public Information Coordinator and the City Attorney's office.

The City Attorney's office shall make determination of any and all documents subject to release. For clarification purposes, this process is to only be used when the requestor is asking for information that cannot be easily obtained. For example, if the requestor has requested information that requires the IFD to create a new program or data base for the sole purpose of complying with the request then this procedure can be used. It cannot be used simply to delay our response to a request that the IFD can reasonably compile within 10 days.

C. Responsibilities

1. Requests may be received from the City Secretary's Office (CSO) or sent directly to the IFD. If a request is received from the CSO then none of the steps below are necessary. All Open record requests received directly by the IFD shall be managed by these steps:
 - a. First, make a copy of the request so that IFD personnel may work the case without delay. Also, add the request to our log located on the J drive at Record Request/Tracking form. Fill out as many fields on the log as possible.

- b. Second, forward a copy of the request to the CSO so that they can add it to their log and create a tracking number.
- c. The CSO will then respond with a standard email front sheet that provides the Public Information (PI) tracking number.

- d. Once we receive the (PI) tracking number add it to the IFD tracking log. The IFD tracking log is for internal use to insure the record requests are effectively managed.

- 2. The IFD may reply to a request by email, fax or mail. If a fax is used the IFD must save the fax receipt, if the IFD responds by mail it must be sent by certified mail. Fax receipt and certified mail receipts are to be kept with the copies in the file. If Email is used, the IFD must keep a copy of the sent email in the file.
- 3. All ORR sent directly to the IFD and ORR forwarded by the CSO to the IFD are to be sent to the Fire Marshal (FM) first. The FM has the responsibility of determining which requests will need the attention of the City Attorney's office in order to meet the requirements of Local, State and Federal guidelines regarding ORR. All ORR requiring the attention of the CAO will be managed and completed by the FM. All ORR determined to not need the attention of the CAO will be forwarded to the (FPS). The FPS will be responsible for the management and completion of ORR not needing the attention of the City Attorney's office. The FM and the FPS will have the authority to delegate the duty of completing the ORR to IFD personnel under their chain of command.
- 4. Steps to comply with the requests:
 - a. For hazardous materials (Haz-Mat) and environmental sites, or Haz-Mat violations look up the information available in:
 - i. The Fire Prevention (FP) files located next to the receptionist desk of Fire Administration.
 - ii. The microfiche files, also located next to the receptionist desk of Fire Administration.
 - iii. Perform a Code TRAK search for the address on the Trakit program.

iv. Also have Fire Dispatch run a report for the last 5 years for the address in question. Review the report for Haz-Mat incidents. If a Haz-Mat incident has occurred at the address, print the individual incident and add it to the information provide to the requestor.

v. The FPS shall request the Dispatch run report through the Battalion Chief (BC) in charge of Communications. The BC shall provide the report in a timely manner allowing the FPS to meet the 10 day deadline.

b. For code violations or other life safety issues, and above and below ground fuel tanks look up the information available in:

i. The Fire Prevention files.

ii. The microfiche files.

iii. Perform a Code TRAK and Permit TRAK search

5. If no information is found regarding an address, continue to **step 6**. If information is found, proceed to **step 7**.

6. The "ORR No Information response" letter can be found on J: drive under Record Requests, ORR No Information Letter. This letter should include:

a. Date

b. Requestor's name and address

c. Re: street address, city, state and zip

d. Include a brief statement of the files that were searched and clarify that there was no information found based on the requestors search parameters.

e. **See below to determine if a fee is required to be charged.**

f. Once the ORR is signed by the supervisor in charge of the document and fees have been collected it may be sent to the requestor.

7. The "ORR Information Available" response letter can be found on J: drive under Record Requests, ORR Information Letter. Information in this letter shall include:
 - a. Date
 - b. Requestor's name and address
 - c. Re: street address, city, state and zip code
 - d. ~~Include a brief statement of the files that were searched and clarify that there was information found based on the requestors search parameters and that copies were included.~~
 - e. **See below to determine if a fee is required to be charged**
 - f. Once the ORR is signed by the supervisor in charge of the document and fees have been collected it may be sent to the requestor.

D. Collecting Fees

1. Each department is responsible for collecting applicable fees when responding to a public information request. For a complete description of allowed fees, all departments must review and comply with Texas Government Code 552.261 "Charge for Providing Copies of Public Information." Some fee information includes:
 - a. Notify the requestor that the information may be inspected free of charge (for the first 36 hours of staff time).
 - b. Copies are ten (10) cents a page.
 - c. Staff may charge for cost of postage in addition to the cost for copies if the requestor asked that the material be mailed.
 - d. If the cost for the ORR is estimated to exceed \$40.00, the department must provide written notice of charges and obtain approval before proceeding with the request from the requestor.

- e. If the cost for the request is estimated to exceed \$100.00, a written notice of the estimate must be provided plus staff may require 50% of payment prior to compiling the information.
- ~~f. A labor cost shall not be billed in connection with complying with requests that are for **50 or fewer pages** of paper records.~~
- ~~g. Charge for labor costs incurred (when applicable) in processing a request for public information is \$15 an hour and includes the actual time to locate, compile, manipulate data and reproduce the requested information.~~
- h. If information requested requires programming or manipulation of data, staff must provide the requestor a written statement with a description of the form in which the information is available, the cost, and when it will be available for the requestor.

E. Other Information

Information regarding ORR that is important but does not immediately affect the procedures in which the IFD will be handling ORR will be provided by the "City of Irving Public Information Act Procedures." This document will be made available on the J: drive Record Requests/City of Irving Public Information Act Procedures.

F. Payment

- 1. Receiving payment for the ORR shall be handled in the following manner.
 - a. Upon receiving payment for an ORR, give the customer a Payment Voucher. This voucher is provided by the City Secretary's Office. The voucher shall be filled out as indicated on the voucher itself.
 - b. Give the customer the yellow copy. Retain the white copy.
 - c. Hand payment and voucher to the FM, or acting FM (do not place in mailbox). The FM will be responsible for the transport of the money to the finance department.
 - d. The FM will receive a receipt from the Finance Department showing that they have taken the payment from the Fire Department.

- e. The receipt from the Finance Department shall be attached to the IFD hard copy of the response, which is kept in the file mentioned above. See step 2.

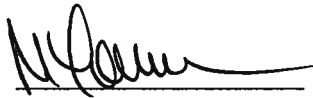
G. Final Disposition

Once the information is compiled, two copies must be made. One copy of the information, along with the front sheet provided by the CSO, must be sent to the CSO, another copy must be kept in the IFD files and the third copy is sent to the Requestor.


I have reviewed and understand the attached instructions for the handling of Open Record Requests pertaining to the Irving Fire Department. My signature below also acknowledges receipt of this policy and attests to my review and understanding of the policy.


Gail Hoppers

7/5/13
Date


Marlen Torreblanca

7/05/13
Date


Derek Austin

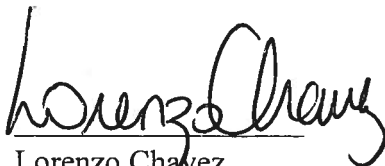
7/5/13
Date


Steve Deutsch

7/10/13
Date


Dana Lubke

7/10/13
Date


Lorenzo Chavez

07/05/13
Date