

Hegarty, Kevin P

From: Hegarty, Kevin P
Sent: Thursday, March 07, 2013 8:21 AM
To: 'Frederick, Francie'
Cc: 'ffrederick@utsystem.edu'; Ohlendorf, Patricia; 'Rabon, Karen'; Iwanski, Margo
Subject: RE: TPIA requests

Dear Francie,

Thank you for returning our original records. It has been an unanticipated hardship for our staff to go down to your offices and copy our records needed for subsequent requests.

We have provided you copies of exactly what was released to the public for October and November. Your original request for TPIA records dating back to last year was for copies, not originals. We ended up providing you originals to attempt to expedite delivery but as I stated above it has created a hardship that we do not wish to duplicate again. Providing you copies avoids the need for us to have to retrieve the originals from you when we receive requests for which the records may also be responsive. Additionally, as the University's custodian of record I must represent to a requestor of a previous TPIA release that what I provide them is an exact duplicate as what was provided to the original requestor. I am increasingly uncomfortable with being able to make such a representation regarding records that have been out of our control of this campus. Once they leave campus I have no idea whether any original documents have been removed. I will certify to you for October and November (and subsequent months as provided) that you received a copy of every document provided to the public in response to a TPIA request for the stated period. You are welcome to keep the copies.

If you decide that you must have the originals I ask that you provide an explanation as to why copies won't suffice. Before release of any more original records I would want General Counsel to the System, who I would assume would represent me as Custodian of Record in the event of a consequent legal action, advise me regarding their release. Because you are counsel to the Board I would not think that such legal advice could be provided by you to me. Am I correct?

I am not able to get you the December-February records by Monday. Those were very heavy months and will require time to accumulate. Additionally, spring break is next week and I have people out with their families so I don't have the staffing to make much progress next week. I do appreciate your offer for your staff to assist us but as custodian of our records I do not want people who are not familiar with them going through them. My best guess at this point is that we can have copies of December to you by Friday, March 22, January by March 29 and February by April 5.

Sincerely,
Kevin

-----Original Message-----

From: Frederick, Francie [<mailto:FFrederick@utsystem.edu>]
Sent: Wednesday, March 06, 2013 5:32 PM
To: Hegarty, Kevin P
Cc: ffrederick@utsystem.edu; Ohlendorf, Patricia; Rabon, Karen
Subject: Re: TPIA requests

Correction: December 2012 and January and February 2013. Thanks.

Francie A. Frederick, J. D.

General Counsel to the Board of Regents The University of Texas System
Ph: (512) 499-4402
Fax: (512) 499-4425
201 West Seventh Street, Suite 820, Austin, Texas 78701

On Mar 6, 2013, at 5:29 PM, "Frederick, Francie" <FFrederick@utsystem.edu> wrote:

> Kevin, I advised Patti yesterday that we will start to return the file boxes of documents released by UT Austin to the public in response to TPIA requests in the next few days.

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> For the months of October and November 2012, we were provided with copies of the records. Would you pls send any originals compiled for production to the public to us by Monday? Also, would you also send the originals for the months of December, January, and February 2012 by Monday? If we can assist with transportation or in any other way that would be helpful, I will assign the two lawyers and other staff members in my office to assist.

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> Thank you,

>

> Francie

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> Francie A. Frederick, J. D.

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