



## Texas Military Forces Texas Military Department PUBLIC INFORMATION OFFICE

Welcome to the Texas Military Forces' Public Information Requester Service Center and Privacy Office. This Requestor Service Center was designed to assist the public in making **Freedom of Information Act (FOIA)**, **Texas Public Information Act (TPIA)/Open Records**, and **Privacy Act (PA)** requests for records to include the Texas Army National Guard, Texas Air National Guard, Texas State Guard and the Texas Military Department (previously known as Adjutant General's Department). Our office is also available to assist individuals seeking records about themselves under the Privacy Act or to assist in complaints and compliance with the Privacy Act.

*Please select one of the following for detailed instructions:*

<a href="#">Texas Military Department (state agency records)</a>	TPIA
<a href="#">Texas Army National Guard</a>	FOIA
<a href="#">Texas Air National Guard</a>	FOIA
<a href="#">Texas State Guard / NG State Active Duty</a>	TPIA
<a href="#">Military Service and Health Records</a>	PA
<a href="#">Inspector General (IG) Records</a>	FOIA
<a href="#">Reading Rooms</a>	FOIA
<a href="#">Other Commonly Requested Records</a>	FOIA

# Your Right to Access Government Records

## The Texas Public Information Act

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Texas Government Code, Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information. Governmental bodies 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.

***NOTE:*** *The Texas Public Information Act (TPIA) does not apply to the federal government or to any of its departments or agencies. If you are seeking federal government information, the appropriate law is the federal Freedom of Information Act ("FOIA") or Privacy Act. Rules and procedures that govern access to federal information under FOIA and Privacy Act (PA) are different from those of the TPIA.*

For the Texas Military Department, the FOIA Officer (Office of the General Counsel) is also the designated public information coordinator/officer.

### Request Information

To request information from the Texas Military Department under the TPIA please submit your request as follows:

By mail to: Texas Military Department  
ATTN: Office of the General Counsel, JFTX-GC (FOIA Officer)  
P.O. Box 5218  
Austin, TX 78763-5218

By e-mail to: [ng.tx.txarng.mbx.freedom-of-information-act@army.mil](mailto:ng.tx.txarng.mbx.freedom-of-information-act@army.mil)

By fax to: (737) 358-9003 (ATTN: FOIA Officer)

If you need a special accommodation pursuant to the Americans with Disabilities Act (ADA) requirements, please contact our ADA coordinator, Angela Hawley, at (512) 782-3385.

### 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 requirements;

- Receive certain kinds of information without exceptions, like the voting record of public officials, and other information;
- Receive a written itemized statement of estimated charges, when charges will exceed \$40, 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 governmental body determines that access to the information primarily benefits the general public;
- Receive a copy of the communication from the governmental body 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.

### **Responsibilities of Governmental Bodies**

- All governmental bodies 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 employees on the requirements of those laws;
- Inform requestors of the estimated charges greater than \$40 and any charges in the estimates above 20 percent of the original estimate, and confirm that the requestor, accepts the charges, has amended the request, or has sent a complaint of overcharges to the Office of the Attorney General, in writing before finalizing the request;
- Inform the requestor if the information cannot be provided promptly and set a date and time to provide it within a reasonable time;
- Request a ruling from the Office of the Attorney General regarding any information the governmental body wishes to withhold, and send a copy of the request for ruling, or a redacted copy, to the requestor;
- Segregate public information from information that may be withheld and provide that public information promptly;
- Make a good faith attempt to inform third parties when their proprietary information is being requested from the governmental body;
- Respond in writing to all written communications from the Office of the Attorney General regarding charges for the information. Respond to the Office of the Attorney General regarding complaints about violations of the Act.

## **Procedures to Obtain Information**

1. Submit a request by mail, fax, e-mail or in person according to a governmental body's reasonable procedures.
2. Include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested.
3. Cooperate with the governmental body'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 public information officer 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.

### **B. Cost of Records**

- You must respond to any written estimate of charges within 10 business days of the date the governmental body sent it or the request is considered withdrawn.
- If estimated costs exceed \$100.00 (or \$50.00 if a governmental body has fewer than 16 full-time employees) the governmental body may require a bond, prepayment or deposit.
- You may ask the governmental body to determine whether providing the information primarily benefits the general public, resulting in a waiver or reduction of charges.
- Make a timely payment for all mutually agreed charges. A governmental body can demand payment of overdue balances exceeding \$100.00, or obtain a security deposit, before processing additional requests from you.

### **C. Information that may be withheld due to an exception**

- By the 10th business day after a governmental body receives your written request, a governmental body must:
  1. Request an attorney general opinion and state which exceptions apply;
  2. Notify the requestor of the referral to the attorney general; and
  3. 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 governmental body. 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.
- Governmental bodies may not ask the attorney general to “reconsider” an opinion.

#### **D. Complaints**

For complaints regarding failure to release public information, please contact your county or district attorney. You may also contact the Office of the Attorney General at:

- Office of the Attorney General, Open Government Hotline, at (512)-478-6736 in the Austin area or toll-free at 1-877-673-6839.
- For complaints regarding overcharges, please contact the Cost Rules Administrator in the Office of the Attorney General at (512) 475-2497 (Austin area) or toll-free at 1-888-672-6787.

# Freedom of Information Act (FOIA) / Privacy Act (PA)

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The FOIA, known by its legal cite as Title 5 U.S.C. § 552, along with the Department of Defense (DoD) Regulation 5400.7, governs how FOIA requests will be processed within the National Guard.

## Army National Guard Records

### How to file a FOIA or Privacy Act Request

Please note that the filing of a FOIA or Privacy request is a personal matter. *Military personnel and Federal Government Employees may not use government time or equipment to make such requests.*

If you are seeking personal records on yourself under the Privacy Act, you must provide a signed letter indicating the specific records you are seeking and copy of your Driver's License or other state issued identification. Include the following statement in your letter, *"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".* Based on the existing retrieval practice for the records you are seeking, you may be asked to provide additional information to allow us to retrieve your record. The letter, containing your signature, can be mailed, faxed, or scanned and sent as an e-mail attachment to:

By mail to: Texas Military Forces  
ATTN: Office of the General Counsel, JFTX-GC (FOIA Officer)  
P.O. Box 5218  
Austin, TX 78763-5218

By e-mail to: ng.tx.txarng.mbx.freedom-of-information-act@army.mil

By fax to: (737) 358-9003 (ATTN: FOIA Officer)

### Essential Elements of a FOIA Request Letter:

- Provide your full name, mailing address and contact information
- Provide a reasonable description of the record(s) requested
- Provide a statement of your fee category and your willingness to pay applicable fees
- Send your request to the applicable FOIA Office

Click [\[here\]](#) for sample FOIA letter.

## **Fee Categories:**

Educational, Noncommercial, Scientific, and Media: Any accredited U.S. educational or research institution or instructor of an institution, or representative of the news media using the information in a scholarly or analytical work contributing to public knowledge and disseminated to the public.

Commercial: Increases the commercial interest of the requestor.

All Others: All other requestors

## **Fees:**

The FOIA provides for the collection of fees for:

Searches: Time spent in looking for and retrieving material, either paper or electronic files, that are responsive to the request to include personnel hours (clerical and professional) and computer time.

Reviews: Time spent to determine if the record is releasable under legal guidelines, excluding resolution of legal or policy issues. This does include time spent excising text that is exempt under FOIA.

Reproduction: Generating a copy of a requested record in the appropriate medium, for example paper or computer file.

Fees rates and schedules can be found in [DoD 5400.7, DoD Freedom of Information Act Program](#) and on the [DD 2086, Record of FOI Costs](#).

For more information the Freedom of Information Act, please visit <http://www.usdoj.gov/oip/index.html>

## **Air National Guard (ANG) Records**

NOTE: The Texas Military Forces Public Information Requester Service Center does NOT process Air National Guard FOIA requests. All requests received by the TXMF FOIA Coordinator are forwarded to the Air National Guard FOIA Office in Arlington, VA.

The Air Force has established a centralized Freedom of Information Act (FOIA) website for submitting requests online to our Requester Service Centers (RSC). All requests for ANG records, except Inspector General Records, are processed by one office. Click on the following AF eFOIA Public Access Link (PAL): <https://www.foia.af.mil/palMain.aspx>. Once there, we recommend you review all the links listed on the left side as they have been designed to provide information and guidance.

In your request, please indicate the state/Wing that you are seeking records from. If you prefer not to use our automated system, you may also make your request to:

Air National Guard FOIA  
ATTN: NGB-JA/OIP

111 South George Mason Drive, AH2  
Arlington VA 22204-1373  
Phone: (571) 256-7838 or (703) 607-5901  
Fax: (703) 607-3684  
Email: [FOIA@ng.army.mil](mailto:FOIA@ng.army.mil).



# Military Service and Health Records

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## Personal Records on Yourself

Active Member: You can retrieve your entire Official Military Personnel File (OMPF) by accessing one of the following websites:

Army:

- [iPERMS \(CAC Login Only\)](#)
- [HRC My Records Portal \(AKO or CAC login\)](#)

Air:

- [myPERS \(CAC or Login/Password\)](#)

Former Member (Army and Air National Guard):

Submit your [request for records](#), or your relatives, military personnel record to:

Texas Military Forces  
Attn: Brandon Stai, Customer  
Service P.O. Box 5218  
Austin, Texas 78763

Fax: (512) 782-5534  
Phone: (512) 782-5164

For Active Duty or U.S. Army Reserve records, you can submit your request on-line eVetRecs! at <http://www.archives.gov/veterans/military-service-records/index.html>

Or complete the [SF Form 180, Request Pertaining to Military Records](#), and mail to the address shown on form.

## Next-of-kin Requests

If you are the next-of-kin of a deceased veteran, you must provide proof of death of the veteran such as a copy of death certificate, letter from funeral home, or published obituary. The next-of-kin (un-remarried widow or widower, son, daughter, father, mother, brother or sister) of the deceased veteran can request copies of the Official Military Personnel File.

## General Public (Third Party Requests)

You are considered a member of the general public if you are not the veteran, asking about a veteran who is of no relation to you or seeking information about a veteran who is a relative but for whom you are not the next-of-kin.

Go to <http://www.archives.gov/st-louis/military-personnel/public/general-public.html> for instructions on how to request records.

## Inspector General (IG) Records

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Requests for Army National Guard Inspector General Records should be directed to:

SAIG-ZXR  
2511 Jefferson Davis Highway  
Suite 12600  
Arlington, VA 22202-3912  
(571) 256-7838 FAX: 703-607-3684  
E-mail: [office.saig-zxl@ignet.army.mil](mailto:office.saig-zxl@ignet.army.mil)

Requests for Air National Guard Inspector General Records should be directed to:

SAF/IG (FOIA)  
1500 Wilson Blvd  
Suite 110  
Rosslyn, VA 22209-2458  
<https://www.foia.af.mil/palMain.aspx>  
(703) 588-0768

## Reading Rooms

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Department of the Air Force: <http://www.foia.af.mil/reading/documents/index.asp>

Department of the Army: [https://www.rmda.army.mil/foia/FOIA\\_ReadingRoom/index.aspx](https://www.rmda.army.mil/foia/FOIA_ReadingRoom/index.aspx)

## Other Commonly Requested Records

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For inquiries on background investigations and personnel records for *former* NGB, ARNG and ANG employees, please reference: [http://www.opm.gov/efoia/html/foia\\_contacts.asp](http://www.opm.gov/efoia/html/foia_contacts.asp)

For inquiries on Department of the Army (Non-Guard) records, please reference: <https://www.rmda.army.mil/foia/docs/foia-servicecenters.pdf>

For inquiries on Department of the Air Force (including Air National Guard) records, please reference: <http://www.foia.af.mil/offices/>

For inquiries on National Guard Bureau (Joint DoD Activity) records, please visit <http://www.ng.mil/sitelinks/foia.aspx>

Below is a **sample FOIA request letter** which you may want to use to make your communication with the Texas Military Forces FOIA coordinator easier.

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Date

Texas Military Forces  
ATTN: NGTX-GCF (FOIA Officer)  
P.O. Box 5218  
Austin, TX 78763-5218

Re: Freedom of Information Act Request

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents, or documents containing the following information, be provided to me: **(If known, you should include any file designations or descriptions of the records you want. You do not have to give a requested record's name or title, but the more specific you are the more likely it will be that the record you seek can be located quickly.** You should also include a time-frame for the records you are requesting not the words "all records" for a particular subject, if possible.).

In order to help to determine my status to assess fees, you should know that I am... (sample descriptions listed below, if these options are not applicable, explain your circumstances).

- A representative of the news media affiliated with the \_\_\_\_\_ newspaper (magazine, television station, etc.). This request is made as part of news gathering and not for commercial use.
- Affiliated with an educational or noncommercial scientific institution. This request is made for a scholarly or scientific purpose and not for commercial use.
- An individual seeking information for personal, not commercial use.
- Affiliated with a private corporation seeking information for company business use.

Choose one of the following fee options:

- I am willing to pay fees for this request up to a maximum of \$\_\_\_\_\_. If you estimate that the fees will exceed this limit, please inform me prior to processing request.
- I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest. **(Include specific details, including how the requested information will be disseminated by the requester for public benefit.)**

[Electronic format option] I request that the information I seek be provided in electronic format, and I would like to receive it on a personal computer disk (or a CD-ROM).

[Telephone number option] I may be called at the telephone number listed below during the hours of \_\_\_\_\_ to discuss my request, if necessary.

Sincerely,

Name  
Address  
City, State, Zip Code  
Telephone Number