



Audit of the City's Open Records Request Process – City Secretary's Office

February 26, 2020

Mark S. Swann, City Auditor

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Executive Summary

Objective and Scope

The audit objective was to evaluate the effectiveness of the City Secretary's Office compliance with State law and identify cost saving opportunities. The audit scope included the City Secretary's Office's open record request activities and transactions from January 1, 2018, through June 30, 2019.

What We Recommend

Compliance

- Conform to the City's information security standards.
- Complete and retain evidence of training.
- Update the Administrative Directive and City procedures.

Cost Recovery

- Identify costs to fulfill requests and determine cost-recovery options.

Efficiency

- Determine information patterns for open data posting.

Background

The Texas Public Information Act gives the public the right to request access to government information. The requests must be written and must ask for records of information already in existence.

The City Secretary's Office coordinates open record requests for all City departments except for the Dallas Police Department.

A separate report addresses observations and associated recommendations for the Dallas Police Department.

What We Found

The City Secretary's Office is meeting its compliance obligations with minimal exceptions. The observations for noncompliance are related to:

- (1) User Access
- (2) Training
- (3) Procedures

The City's compliance costs will continue to rise as more entities seek information. The City can recover costs from individuals, per the Texas Public Information Act; the cost recovery and other efficiency opportunities should be evaluated.

Audit Results: Section 1 - Compliance

Observation A: User Accounts

Due to sensitive information in this observation, the distribution was limited to responsible City management in accordance with Government Auditing Standards 9.61: *Requirements: Reporting Confidential or Sensitive Information* and the Texas Public Information Act – 5 Texas Government Code § 552.139: *Confidentiality of Government Information Related to Security or Infrastructure Issues for Computers*.

Observation B: Training

Evidence of City personnel completing a required, one-hour educational course was not retained or available. Nonfulfillment of training within the appropriate timeframe increases the chances of releasing personally identifiable information or State-approved exclusions.

The Texas Public Information Act requires a one-hour educational course be completed within 90 days after assuming open records request processing responsibilities. Review of 35 open records processors with privileged access in the GovQA System determined that 34 percent, or 12 personnel, did not complete the required training. In addition, for those open records processors who did complete training, information was not readily available to conclude if the training was completed within the 90-day timeframe.

Criteria

- ❖ 2018 Public Information Act Handbook, Part One, *Open Records Training*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principle 4.05*

Assessed Risk Rating:

Moderate

We recommend the City Secretary's Office:

- B.1:** Complete training within 90 days of position verification and retain evidence in a centralized location.

Observation C: Procedures

The City procedures for open record request processing are incomplete. Incomplete procedures could result in misinterpretation of requirements and inadvertent release of information that is private and/or is an exclusion as defined by the Texas Public Information Act.

The City's draft Administrative Directive does not explain how City employees should handle requests received outside of normal channels or the use of formal letters and notices to ensure consistency. Also, the draft Administrative Directive does not include the following components of the *2018 Public Information Act Handbook*:

- Dismissing repetitious requests or readily available information (Section 552.232).
- Informing third parties if proprietary information is requested (Section 552.305).
- Excluding requests of tangible items such as tools and keys (Part One, Section III, B).
- Addressing City related information generated through personal notes, email and devices (Part One, Section III, C).

Criteria:

- ❖ 2018 Public Information Act Handbook, *Part[s] One and Three*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principles 12.02 – 12.05*

Assessed Risk Rating:

Low

We recommend the City Secretary's Office:

- C.1:** Update the Administrative Directive to incorporate the missing items and clarify requirements.
- C.2:** Provide annual training to City employees to reinforce their roles.

Audit Results: Section 2 – Cost Recovery and Efficiency

Observation D: Cost Recovery

The City incurs on-going costs to process open record requests. With the increasing number of requests, the ability to service requestors free of charge and minimize the loss of employee productivity may not be attainable. The City Secretary's Office received over 17,000 open record requests for the 18-month audit period with an estimated salary cost over \$600,000 for full-time records processors. Additional costs not tracked are:

- Direct and indirect costs. For example, direct costs associated with requests are research, collection, review and redaction. Indirect costs include legal review and opportunity cost. The City loses productivity when employees must transition between primary duties and responding to requests.
- Recurring time of City Attorney's Office and Information Technology Services leadership and personnel, who are almost always included in processing requests.
- Level of effort and time to process various types of requests. The City incurs an estimated average salary cost of \$35 per request received by the City Secretary's Office.

The Texas Public Information Act allows the City to recover costs within specific limitations as prescribed by the State of Texas Office of the Attorney General for charges such as copies, labor, and overhead. Charges of labor can include the actual time to locate, compile, manipulate data, and reproduce the requested information.

Refer to Exhibit 1 for an example of how one City estimates the time and costs to the City by open request type.

Exhibit 1:

City of Albuquerque, New Mexico, Example of Estimated Time and Cost by Request Type

	Simple	Typical	Complex
Type of Request/ Description	A recurring request that involved running a query and attaching a report to an email.	Involves one or more departments and significant review/redaction are not needed.	Involves multiple departments, multiple levels of review, high ranking resources needed, review/redaction time is significant.
Estimated Time to Fulfill Request	15 minutes	2.5 hours	32 hours
Estimated Cost to Fulfill Request	\$7	\$67	\$1, 295

Source: City of Albuquerque, New Mexico, Inspection of Public Records Act, Report No 14-101, Finding #1

Criteria

- ❖ 2018 Public Information Act Handbook, Preface to the Handbook: *Rights of Requestors; Rights of Governmental Bodies*
- ❖ 1 Texas Administrative Code §70.3: *Charges for Providing Copies of Public Information*
- ❖ Standards for Internal Control in the Federal Government (Green Book), *Principles 10.10 – 10.11*

Assessed Risk Rating:

Moderate

We recommend the City Secretary's Office:

- D.1:** Identify costs and cost trends to fulfill requests and determine cost recovery options that support the City's values.

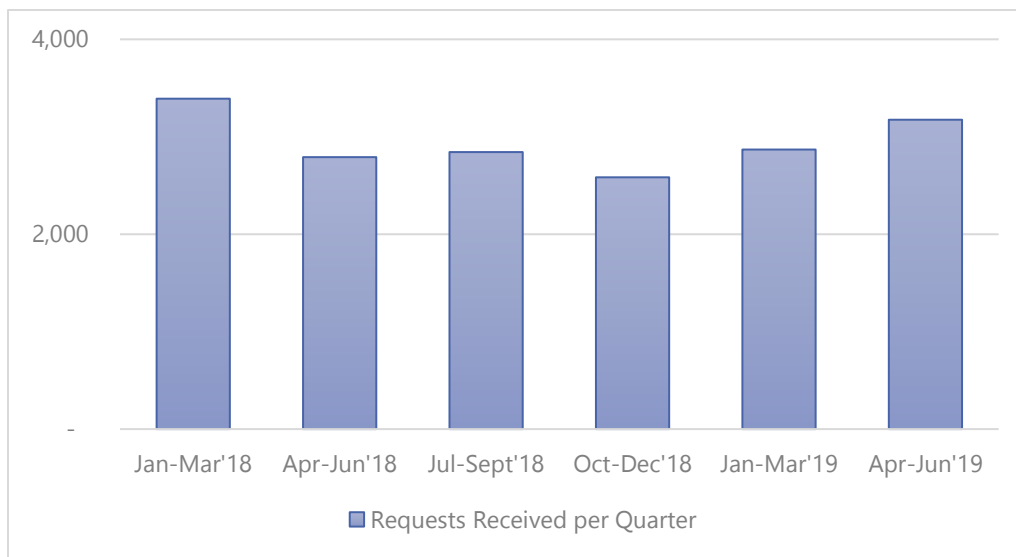
Observation E: Efficiency

The City is not maximizing its open data policy to make information readily available and minimize employee productivity loss. Not applying an open data policy could negatively impact employees' productivity.

During the audit period, the City Secretary's Office received over 17,000 requests at an average of 2,942 per quarter. See Exhibit 2 below. The City might be responding to requests that are repetitive, already addressed in other City sources, or pre-approved legal exclusions.

Exhibit 2:

City Secretary's Office Open Records Requests Received by Quarter



Source: GovQA System

Processing efficiencies could be gained if word analysis tools are applied. For example, a word cloud analysis of the requests submitted from January 1, 2018, through August 26, 2019, showed that there are certain recurring themes in the requests. Exhibit 3 shows the most frequent words used in requests and provides an idea of what type of information could be used for open data.

Exhibit 3:

City of Dallas Word Cloud Analysis



Source: GovQA System

Criteria

- ❖ Administrative Directive 2-53, *Open Data*, Section 3
- ❖ Standards for Internal Control in the Federal Government (Green Book) *Principles 16.04 – 16.05*

Assessed Risk Rating:

Low

We recommend the City Secretary’s Office:

- E1:** Determine information request patterns using word analysis tools for open data posting.

Appendix A: Background and Methodology

Background

The Texas Public Information Act was adopted in 1973, codified at chapter 552 of the Texas Government Code, and gives the public the right to request access to government information. The Texas Public Information Act is triggered when a person submits a written request. The request must ask for records of information already in existence as governmental bodies are not required to create new information or perform legal research. Governmental bodies are also provided with a pre-approved list of exclusions so that privacy and confidentiality are maintained.

A governmental body may impose financial charges for access to information under certain limited circumstances. All employees and public officials (or a coordinator designated by the public official) with open record request responsibilities must complete the online training within 90 days of position verification. The training covers background information, interpretation for exclusions, and penalties for noncompliance.

The City uses a third-party web-based portal, GovQA System, to track request activities. The City Secretary's Office processes requests for all City departments except for the Dallas Police Department.

Methodology

The audit methodology involved developing an understanding of processes and controls for receiving, tracking, and responding to requests. The audit procedures included review of key City, State and Federal guidance documents, walk-throughs, interviews, inspection for documentation, detailed tests of controls by analyzing the transactions.

Audit sampling software (IDEA) was used to generate statistical and random attribute test samples to accomplish audit objectives. Population data was derived from the department records of the GovQA System.

This performance audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusion based on our audit objectives.

Major Contributors to the Report

Bob Smith, CPA – Project Manager
Mamatha Sparks, CIA, CISA, COSO, CRISC – Audit Manager
Rory Galter, CPA – Quality Control Review

Appendix B: Management's Response

Memorandum



DATE: February 12, 2020
TO: Mark S. Swann, City Auditor
SUBJECT: Response to Audit of the City's Open Records Request Process

This letter acknowledges the City Secretary's Office received the *Audit of the City's Open Records Request Process* and submitted responses to the recommendations.

The City Secretary's Office believes it is important to provide transparency and accountability to all citizens. One way we accomplish this is through the City's open record process.

While the audit found minimal exceptions, we recognize there are opportunities to improve the City's open records process.

To further improve the open records process, the City Secretary's Office will:

- Enhance user access internal controls
- Ensure staff receive adequate training
- Enhance existing Standard Operating Procedures

In addition, the City Secretary's Office wishes to seek City Council support in its desire to streamline the open records process by aligning the two structures of both the City's and Dallas Police Department's (DPD) Open Records Request Process to ultimately achieve a singular operational structure.

Sincerely,

A blue ink signature of Bilierae Johnson.

Bilierae Johnson
City Secretary

"Our Product is Service"
Empathy | Ethics | Excellence | Equity

Assessed Risk Rating	Recommendation	Concurrence and Action Plan	Implementation Date	Follow-Up/ Maturity Date
Recommendations – Section 1: Compliance				
Moderate	We recommend the City Secretary's Office:			
	B.1: Complete training within 90 days of position verification and retain evidence in a centralized location.	Agree: The City Secretary's Office will ensure employees complete Public Information Act (PIA) and GovQA trainings before access is granted into GovQA. The City Secretary's Office will ensure certification documentation is retained in a central location and available on the City Secretary's Office's website.	06/30/2020	03/31/2021
Low	We recommend the City Secretary's Office:			
	C.1: Update the Administrative Directive to incorporate the missing items and clarify requirements.	Agree: In anticipation of the completion of this audit, the City Secretary's Office will finalize the City's Open Records Process operating procedures and initiate the creation of an Administrative Directive; which will include the missing items and clarify requirements recommended in the audit report.	06/30/2020	03/31/2021
	C.2: Provide annual training to City employees to reinforce their roles.	Agree: The City Secretary's Office will continue to ensure employees responsible for processing open records requests receive annual training on any changes to the Public Information Act and quarterly GovQA New User/Refresher System Training.	06/30/2020	03/31/2021

Assessed Risk Rating	Recommendation	Concurrence and Action Plan	Implementation Date	Follow-Up/ Maturity Date	
Recommendations – Section 2: Cost Recovery and Efficiency					
Moderate	We recommend the City Secretary's Office:				
	D.1: Identify costs and cost trends to fulfill requests and determine cost recovery options that support the City's values.	Agree:	The City Secretary's Office will research the cost associated with open records requests, evaluate cost recovery options and present a standard cost option to City Council.	06/30/2020	03/31/2021
Low	We recommend the City Secretary's Office:				
	E.1: Determine information request patterns using word analysis tools for open data posting.	Agree:	The City Secretary's Office has already identified several City departments that have frequently requested information. We will work with those departments and the department of Information and Technology System (ITS) to get data published on the City's Open Data Portal. We will also use GovQA's proactive page, deflection tool, and continue the use of SnapEngage to determine open records request patterns.	06/30/2020	03/31/2021