City of San Antonio

Agenda Memorandum

File Number: 17-6110

Agenda Item Number: 25.

Agenda Date: 11/9/2017

In Control: City Council A Session

DEPARTMENT: Government and Public Affairs

DEPARTMENT HEAD: Jeff Coyle

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT: Open Record Process

SUMMARY: This Ordinance authorizes the purchase of Veritas eDiscovery Solutions to assist with responding to the City's Open Record Request process in the amount of $288,000.00. Funding for this purchase is available from the New Technology Portfolio project included in the FY 2018-2023 Adopted Six-Year Capital Improvement Program.

BACKGROUND INFORMATION:

Today, the City of San Antonio receives more than 40,000 Open Record Requests (ORR) annually and endeavors to fulfill each request as timely as possible in compliance with the Texas Public Information Act (TPIA). The Government and Public Affairs (GPA) Department manages the City's ORR process, in coordination with the City Attorney's Office (CAO) and City departments.

In March of 2011, GPA became responsible for the City's ORR process and implemented a centralized electronic cloud-based data management system, *WebQA* (*FOIA*), to facilitate the processing of requests received organization-wide. The requests for documents received by the City have steadily increased from a total of 6,716 ORR received in FY 2012 to 45,220 received in FY 2017.

The *FOIA* system allows the City to efficiently manage the 500 to 1,000 daily ORR received across all departments. Through the system, found on the front page of the City's website under the *Transparency in Government* section, a requestor may open an account and submit their request for information directly to a City department. The GPA ORR Division ensures the request is submitted to the responsive department through ongoing monitoring and review of ORR received on a daily basis.

Each of the City's 38 departments assigns a trained ORR Liaison to work in coordination with GPA's ORR

Division to respond to a request for information from the public. The CAO works independently from GPA to assist City departments in determining whether to seek an Opinion from the OAG and what documents need redactions, as needed.

All correspondence with the requestor, by the responsible City department, is conducted and archived through the on-line *FOIA* system from day one through completion. A requestor is provided the responsive documents by the respective City department liaison by the means chosen, including in-person inspection or electronically through the City's *FOIA* system.

The majority of the Open Record Requests received are San Antonio Police Department-related. In FY 2015, national online distributors of police reports, such as LexisNexis, began to request hundreds of accident reports from the City, resulting in an increase of 31,184 ORR in the following fiscal year. Online distributors of vehicle accident reports continue to request thousands of ORR from the police department, annually.

The table below is a summary of ORR received by the City from FY 2011 to FY 2017:

Fiscal Year	Number of ORR Received - Includes vehicle accident ORR	Number of ORR Received - Does not include vehicle accident ORR	Number of ORR Closed - Includes vehicle accident ORR	Average Number of Days to Close ORR	Number of ORR Sent to OAG	Percentage of ORR sent to OAG - Does not include vehicle accident ORR
2012	6,716	6,680	6,716	24	582	8.8%
2013	7,922	7,887	7,922	32	647	8.2%
2014	14,206	14,160	14,206	15	686	4.9%
2015	**45,390	23,095	45,390	23	1,054	4.6%
2016	**42,200	22,441	42,187	11	1,081	4.9%
2017	**45,220	23,014	44,249	8	1,440	6.3%

**Increase in ORR for the San Antonio Police Department, due to vehicle accident reports submitted by national online distributors of police reports, like LexisNexis. These ORR are not sent to the OAG for an Opinion.

The Government and Public Affairs Department has decreased the average number of days to close an open record request, from 24 days in FY 2012 to 8 days in FY 2017. The Department has also worked with the City Attorney's Office to decrease the overall percentage of ORR sent to the Attorney General from 8.8% in FY 2012 to 6.3% in FY 2017.

In 2016, GPA in coordination with the Information Technology Services Department (ITSD) began the process to identify software capable of searching City emails by a single word. The Information Technology Services Department proposes the Veritas Clearwell eDiscovery Solution for this purpose. An eDiscovery Solution work plan will be developed by ITSD that includes a timeline for installation, training and implementation of the proposed project in FY 2018.

The Veritas Clearwell eDiscovery Solution will provide the City with the capability of conducting a multi-keyword search, redact and protect privileged information. This software will assist in making the document retrieval process more efficient for the requestor. The GPA ORR Division will conduct the keyword search for all departments.

The municipalities of Dallas and Houston currently utilize the eDiscovery software and the city of Austin recently approved the purchase of the same solution as a multi-keyword search tool.

ISSUE:

The City strives to achieve transparency for residents of San Antonio through consistent improvement to the City's process of responding to requests for public records.

ALTERNATIVES:

City Council could elect to Purchase the Veritas Clearwell eDiscovery Solution, which is an email key-word and document search software tool to respond to City ORR or City Council could elect not purchase the Veritas Clearwell eDiscovery Solution and maintain the current ORR email search process.

FISCAL IMPACT:

This Ordinance authorizes the purchase of Veritas eDiscovery Solutions to assist with responding to the City's Open Record Request process in the amount of $288,000.00. Funding for this purchase is available from the New Technology Portfolio project included in the FY 2018-2023 Adopted Six-Year Capital Improvement Program. The annual licensing costs for this software are estimated at $47,000. Future funding for the annual licensing expense will be subject to Council appropriations as part of the annual budget process.

RECOMMENDATION:

The staff recommends purchasing Veritas Clearwell eDiscovery Solution, an email key-word and document search software tool, to respond to City ORR. Staff also recommends review of the ORR staff support structure City-wide.