

**NASSAU BAY HOMES ASSOCIATION, INC.**  
**POLICY ON INSPECTION & COPYING OF ASSOCIATION RECORDS**

**I. RECORDS DEFINED**

- A. The records available for inspection and copying are those designated by the Texas Residential Property Protection Act, as amended from time to time.
- B. The association's board may withhold from inspection any records that in its reasonable business judgment would:
  - i. Constitute an unwarranted invasion of privacy;
  - ii. Constitute privileged information under the attorney-client privilege;
  - iii. Involved pending or anticipated litigation or contract negotiations; and / or
  - iv. Involve the employment, promotion, discipline, or dismissal of a specific board member or employee.
  - v. Any records requested for a purpose deemed not proper by the board of directors.

**II. PERSONS ENTITLED TO INSPECT OR COPY**

Every member shall have the right to inspect or copy the association's records in compliance with the rules and procedures contained in this policy. A member may authorize, in writing, an attorney or other designated representative to conduct the inspection or request copies on the member's behalf. Any such authorized representative shall be considered a "member" for purposes of this policy.

**III. WRITTEN REQUEST REQUIRED**

- A. Inspection or copying shall be limited to those records specifically requested in advance, in writing. A member who wants to inspect or copy the association's records shall submit a written request to the association's secretary or manager. The request must specify particular records desired, including pertinent dates or time periods, the purpose for the request and shall state whether the request is for inspection or copying. The request must be sufficiently detailed to allow the association to retrieve the record(s) requested.
- B. No member may submit more than one request for inspection and/or copying in a 30-day period.

**IV. INSPECTION RULES**

- A. No member may request an inspection of more than 10 records at any one time, nor shall the association be required to produce more than 100 pages of records at one time. If a member's request exceeds either of these limitations, the association shall provide records for inspection in the order requested by the member up to the limiting factor. The member shall then make written request(s) for additional sessions until the member has inspected all records originally requested. Requests for additional sessions are subject to all the same rules and restrictions as any other inspection request.
- B. All inspections shall take place at the association's office or at such other location as the association designates. No member shall remove original records from the location where the inspection is taking place.
- C. Members shall not alter the records in any way.
- D. The association shall make records available for inspection on or before the 30th working day after association actually receives the written inspection request. This time frame may be extended upon the member's written request, or if the records requested are so voluminous or otherwise in such a condition as to render this time frame unreasonable, the association shall

notify the member by telephone , in person, or in writing that the records are available, and specify the time, date, and place for the inspection.

- E. Inspections shall be by appointment only, during normal business hours of the association's office.

## **V. COPYING RULES**

- A. If a member wants a copy of any record, the member shall designate in writing the record desired. Any written request shall designate the specific record or portion thereof.
- B. During an inspection, the member may designate such record by use of a tab, clip, or Post-It note upon the page(s) desired.
- C. Copies shall be available within thirty working days of receipt of the request, unless the voluminous nature or condition of the records make this time frame impractical. In such cases, the copies will be made available as soon as is practical.
- D. A member shall pay 25 cents per page for regular- or legal-sized photocopies, payable in cash or by personal check, at the time the copies are delivered. However, the secretary or manager may require advance payment in his or her discretion, taking into account such factors as the amount of the copying charge, the member's payment record, and other relevant factors.

## **VI. MANNER OF INSPECTION OR COPYING**

- A. Members shall not exercise their inspection or copying rights in order to harass any other member or resident, association agent, officer, director, or employee.
- B. All people inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the association office or such other location where the inspection or copying is taking place. The association office, or place of inspection or copying, shall assign one staff person and /or one board member to assist in the inspection. All request for further assistance and copying during an inspection shall be directed only to the staff person and /or board member.
- C. The association shall maintain a log detailing:
  - i. The date the written request was received;
  - ii. The name of the requesting party;
  - iii. A list of the requested records;
  - iv. The date the association notified the member that the records were available;
  - v. The date the records were made available;
  - vi. The date of actual inspection or copying; and
  - vii. The signature of the member acknowledging receipt of, or access to, the records.Every person inspecting or receiving copies of records shall sign said log or a comparable receipt prior to inspection or receipt copies.

## **VII. ENFORCEMENT OF INSPECTION & COPYING RULES**

- A. Any violation of these rules shall cause the immediate suspension of the inspection or copying until the violator agrees in writing to comply herewith.
- B. The association will not honor any requests for inspection or copying that do not comply with this policy. Within ten working days of receiving the noncompliant request, the association shall send a written notice to the person who made the request indicating the nature of any noncompliance. Any association representative who receives an oral request for inspection or copying shall refer the person making the request to this policy, and the association will have no further obligation's to respond until it receives a written request.
- C. The association's board may take any available legal action to enforce these rules, including the levy of a fine.

I HAVE RECEIVED A COPY OF THE POLICY ON INSPECTION & COPYING OF THE ASSOCIATION RECORDS FROM THE NASSAU BAY HOMES ASSOCIATION, INC. AND AGREE TO ABIDE BY ITS TERMS.

SIGNATURE & DATE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ E-MAIL \_\_\_\_\_

INFORMATION REQUESTED:

REASON FOR REQUEST:

ACTION TAKEN: