

## QUESTIONNAIRE

### Identification questions:

Citizen or government

If citizen,

- Are you a member of the media (TV, print, internet)?
  - Do you identify with any professional organizations?
  - Do you identify with any community organizations that make public record requests?
  - Does your entity have a procedure for public records requests?
    - How do you identify appropriate locations/ persons to whom to make requests?
    - Do you submit inspection requests in writing
  - Do you budget for payment of public record fees?
  - Does your entity extend beyond Tennessee? Do you regularly make public records request in other states?
  - Do you regularly make public record requests of federal entities subject to FOIA?
  - How many public record requests under the Tennessee Public Records Act (TPRA) did you make in Tennessee in FY 2013, 2014, 2015? If this response is based on a calendar year instead, please indicate.
  - How many public record requests did your entity make in Tennessee in FY 2013, 2014, 2015? If this response is based on a calendar year instead, please indicate.
  - Indicate the average time taken to receive either the records (whether for inspection or duplicates) or a written denial from the following:
    - State
    - County
    - Municipal
    - Local government agency
  - On the average, how many requests for inspection and for copies are made?
  - Have you changed a request for copies to a request for inspection? Why? Were fees an issue?
  - Have you participated in mediation to resolve a public records dispute?
  - Have you or your entity brought a suit under Tenn. Code Ann. Section 10-7-505 against a records custodian?
  - During FY 2013, 2014, 2015 have you made public record requests for any of the following (indicate all that apply):
    - Financial information
      - Annual Financial Statements

- Audits
- Budgets
- Employee salaries and benefits
- Employee reimbursements
- Expenditures
- Documents
  - Contracts
  - Insurance coverage
  - Employee files
- Reports
  - Annual reports
  - Monthly reports
- Communications
  - Letters
  - Phone logs
  - Emails
  - Text messages
  - Videos
  - Social media
- Law Enforcement
  - Incident reports
  - Employee files
- Have you ever made a public records request and then not gone to inspect the records?
- Have you ever worked with a records custodian to clarify your records request?
- Please describe your concerns with the current law regarding inspection/duplication of public records:
  - Time frame for response
  - Electronic versus hard copy records
  - Other

For non-media citizens, use the same questions excluding entity and budget questions.

If government,

- What level of government are you affiliated with (state, county, municipal)? Give a description or name (Optional).
- What is your title and are you a records custodian?
- Are you responsible for record retention?
- Does your entity have a policy regarding record storage? Does it provide record management training to employees?
- Does your entity budget for public record responses, including training?
- Does your entity have a public records inspection and duplication rule in place?
  - Do you follow the Schedule of Reasonable Charges on per page charges?
    - If no, what do you charge per page?
  - How do you account for payments received?
  - Does your rule provide authorization to charge for labor in the production of duplicates/copies?
    - If authorized, have you charged for labor?
  - Does your rule permit waiver of fees? Has a waiver been given?
  - Does your entity keep a log of public record requests? If so, how many were received in FY 2013, 2014, 2015?
    - If not, can you approximate the number of public records requests your entity received in FY 2013, 2014, 2015?
  - Do you know (or can you estimate) the number of hours expended in FY 2013, 2014, and 2015 responding to public record requests whether for inspection or for duplication (from receipt of request until completion)?
  - During FY 2013, 2014, 2015, have you received public record requests for any of the following (indicate all that apply):
    - Financial information
      - Annual Financial Statements
      - Audits
      - Budgets
      - Employee salaries and benefits
      - Employee reimbursements
      - Expenditures
    - Documents
      - Contracts
      - Insurance coverage
      - Employee files

- Reports
  - Annual reports
  - Monthly reports
- Communications
  - Letters
  - Phone logs
  - Emails (If so, does your entity provide and control email accounts?)
  - Text messages
  - Videos
  - Social media
- Law Enforcement
  - Incident reports
  - Employee files
  - Are any of these records available on your website?
- How many times has a requestor failed to inspect records after you have prepared them and made them available?
- How often are copies made for inspection that the requestor does not ask for and pay for?
- Please describe your concerns with the current law regarding inspection/duplication of public records:
  - Time frame for response
  - Unlimited right to request records
  - Unlimited amount of records to be requested
  - Providing electronic versus hard copy records
  - Lack of guidance about how to prioritize which requests to fulfill

### Additional Questions for All:

Please provide any additional comments or observations regarding inspection of public records in Tennessee pursuant to the Tennessee Public Records Act.

Please provide any additional comments or observations regarding duplication of public records in Tennessee pursuant to the Tennessee Public Records Act.

Please provide any additional comments or observations regarding the Tennessee Public Records Act, including any issues you would like to see addressed by the General Assembly.

### Notice of Hearings

Hearings will be held in September 2015 in Jackson, Nashville, and Knoxville [insert date] on the following questions:

1. Should the TPRA distinguish between custodians (for example, based on size of budget, number of employees, of records under control of custodian, or citizens directly served by the custodian's governmental entity) related to the inspection of public records? Why?
2. Should the TPRA distinguish between public records intended for the public (minutes, annual reports) and records internal to operations? Why?
3. Should the TPRA distinguish based on the requestor's relationship to the governmental entity (whether a taxpayer/customer/beneficiary relationship) or on the requestor's intended use of records requested? Why?
4. Should the TPRA distinguish based on size of the request or the type of record requested? Why?
5. Should the TPRA distinguish based on the frequency of requests that the requestor makes? Why?
6. If charges for inspection are permitted, should charges for inspection be governed in a manner similar to those for duplication (Schedule of Reasonable Charges) or should they be fixed in statute?

Additional information on the hearings may be found on the website at [ ]. If to you would like to speak at one of the hearings, please send an email to

comments.open.records@cot.tn.gov indicating which location . Written comments may be submitted to comments.open.records@cot.tn.gov in addition to or in lieu of oral presentation at one of the hearings.

Optional Questions for All:

Attached is a copy of the Schedule of Reasonable Charges for charges and fees related to duplication and copying.

- Do you believe the charges of \$.15 (b&w) and \$.50 (color) for letter or legal sized copies are appropriate? If not, what charges would you suggest and why?
- Should there be a flat fee for :
  - copying records to a device or medium (such as flashdrives or discs, cassette tapes)?
  - Sending a record electronically?

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