

# PUBLIC RECORDS POLICY FOR OFFICE OF UNION COUNTY MAYOR

Pursuant to Tenn. Code Ann. s 10-7-503(g), the following Public Records Policy for Union County is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. s 10-7-501, et. Seq. This policy shall apply to the office of the Union County Mayor.

The TPRA provides that all state, county and municipal records shall, at all time during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. s 10-7-503(a)(2)(A). Accordingly, the public records of **Union County** are presumed to be open for inspection unless otherwise provided by law.

Personnel of **Union County** shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of **Union County**, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for **Union County** or the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication upon request in the office of the **Union County Mayor's Office**. This policy shall be reviewed every two years.

## 1. Definitions:

- A. **Records Custodian**: The office, official or employee lawfully responsible for the direct custody and care of public record. See Tenn. Code Ann. s 107-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record
- B. **Public Records**: All documents, papers, letters, map, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. s 10-7-503(a)(1)(A).
- C. **Public Records Request Coordinator**: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests and routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. s 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.

- D. Requestor:** A person seeking access to a public record, whether it is for inspection or duplication.

## **II. Requesting Access to Public Records**

- A. Public record requests** shall be made to the Public Records Request Coordinator (PRRC), the Union County Mayor's administrative assistant, Debra Keck, or her designee, in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only** cannot be required to be made in writing. The PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection** may be made orally or in writing (using the attached Public Records Request Form) at Union County Mayor's Office, 901 Main St., Suite 100 Maynardville, TN. 37807 or by phone at 865-992-3061.
- D. Requests for copies**, or requests for inspection and copies, shall be made in writing (using the attached Public Records Request Form) at Union County Mayor's Office, 901 Main St., Suite 100 Maynardville, TN. 37807.
- E. Proof of Tennessee citizenship** by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID issued by the federal or Tennessee state government which contains a residential address) is required as a condition to inspect or receive copies of public records.
- F. All records are not stored on site.** Older records are stored off site. (Requestor should call ahead and check location of file to view, to give office staff time to retrieve record) **865-992-3061.**

## **III. Responding to Public Records Requests.**

### **A. Public Record Request Coordinator**

1. The PRRC shall review public record requests and make an initial determination of the following:
  - a. If the requestor provided evidence of Tennessee citizenship
  - b. If the records requested are described with sufficient specificity to identify them; and
  - c. If the Government Entity is the custodian of the records.

2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
  - a. Advise the requester of this Policy and elections made regarding:
    - i. Proof of Tennessee Citizenship;
    - ii. Form(s) required for copies;
    - iii. Fees (and labor threshold and waivers, if applicable) and;
    - iv. Aggregation of multiple or frequent requests.
  - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following
    - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen (of proof of citizenship is required)
    - ii. The request lacks specificity. (Offer to assist in clarification)
    - iii. An exemption makes the record not subject to disclosure under the TPRA (Provide the exemption in written denial)
    - iv. The Government Entity is not the custodian of the requested records.
    - v. The records do not exist.
  - c. If appropriate, contact the requester to see if the request can be narrowed.
  - d. Forward the records request to the appropriate records custodian in the Union County Mayor's Office.
  - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct government entity, advise the requestor of the correct governmental entity and PRRC for that entity is known.
3. **The designated PRRC(s) are:**
  - a. Mayor's administrative assistant or his/her designee. (e-mail address: [debrakeck@unioncountyttn.org](mailto:debrakeck@unioncountyttn.org).)

b. Union County Mayor's Office, 901 Main St., Suite 100 Maynardville, TN.  
37807 (865) 992-3061

4. The PRRC(s) shall report to the governing authority on an annual basis about the Government Entity's compliance with the TPRA pursuant this this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

## **B. Records Custodian**

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. s 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, the a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached with this policy, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b being the Public Records Request Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for large volume of records, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that records production schedule will be provide as expeditiously as practicable. If appropriate, the records custodian should be contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and product the records as quickly as practicable.

## **C. Redaction**

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records

custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records.

2. Whenever a redacted record is available, a records custodian should provide the requestor with the basis for redaction. The basis is given for redaction shall be general in nature and not disclose confidential information.

#### **IV. Inspection of Records**

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection or records within the office of **Union County Mayor** should be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment. Records can be view **between the hours of 8pm-4pm Monday thru Friday** unless stored off site. Please call ahead (865) 992-3061.

#### **V. Copies of Records**

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian between 8am-4pm.
- C. Upon payment for postage and copies, record copies will be delivered to the requestor's home address by United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

#### **VI. Fees and Charges and Procedures for Billing and Payment**

- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. Records custodians shall provide requestors with an itemized estimate of the charges using the Public Records Request Form prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$1.00 the fees may be waived. Requests for waivers for fees above \$1.00 must be presented to Debra Keck, who is authorized to determine if such waiver is in the best interest of Union County and for the public good. Fees associated with aggregated records request will not be waived.
- D. Fees and charges for copies are as follows: Refer to Tenn. Code Ann s 8-21-401 which is attached.

**D.** Fees and charges for copies are as follows: Refer to Tenn. Code Ann s 8-21-401 which is attached.

1. \$.15 per page for letter and legal size black and white copies and \$.50 per page for all others.
2. \$5.00 for certification and seal
3. Labor when time exceeds **one (1)** hour at \$10.00 per hour.
4. If an outside vendor is used, the actual costs assessed by the vendor.


**E.** Payment is to be made in cash, money order, personal check or cashier's check payable to Union County Government.

**F.** Payment in advance will be required when cost are to exceed \$5.00.

**G.** Aggregation of Frequent and Multiple Requests

1. Union County will not aggregate records requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert.)

Adopted this \_\_\_\_\_ day of June, 2017.

  
MICHEAL R. WILLIAMS  
County Mayor

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Union County Mayor's Office, 901 Main Street, Suite 100, Maynardville, TN 37807 (865) 992-3061

From: Requester's Name and Contact Information \_\_\_\_\_ Address for written TPRA response \_\_\_\_\_

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>1</sup>)  Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_? If so, initial here: \_\_\_\_\_

Delivery preference:  On-Site Pick-Up  USPS First-Class Mail  Electronic  Other: \_\_\_\_\_

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

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Signature of Requestor and Date Submitted \_\_\_\_\_

Signature of Public Records Request Coordinator and Date Received \_\_\_\_\_

<sup>1</sup>Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.