

PUBLIC RECORDS POLICY for the City of Kingston

Overview. Pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act (“TPRA”) (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017. The policy adopted shall not impose requirements on those requesting records that are more burdensome than state law and shall include:

- A. The process for requesting access to public records and any required form(s);
- B. The process for responding to requests, including redaction practices;
- C. A statement of any fees charged for copies of public records and the procedures for billing and payment; and
- D. The name or title and contact information of the individual or individuals designated as the Public Records Request Coordinator(s).

Pursuant to Tenn. Code Ann. § 8-4-604(a)(1)(4), the Office of Open Records Counsel (“OORC”) is required to establish a model best practices and public records policy for use by a records custodian in compliance with Tenn. Code Ann. § 10-7-503.

The OORC encourages and will provide assistance for governmental associations and groups to develop model public records policies tailored to their specific governmental entity subgroup.

The TPRA provides that all state, county and municipal records shall, at all times 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. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Kingston are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of Kingston 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 the City of Kingston, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the City of Kingston or to the Tennessee Office of Open Records Counsel (“OORC”). This Policy is available for inspection and duplication in the office of Public Records Request Coordinator. This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Kingston.

I. Definitions:

- A. **Records Custodian:** The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. **Public Records:** All documents, papers, letters, maps, 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. § 10-7-503(a)(1)(A).
- C. **Public Records Request Coordinator:** The individual, or individuals, designated in Section 4.A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 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") or his/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 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 Record Request Form at Kingston City Hall, 900 Waterford Place, Kingston, TN 37763 or by phone at 865-376-6584.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form at Kingston City Hall, 900 Waterford Place, Kingston, TN 37763.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records.

III. Responding to Public Records Requests:

A. Public Record Request Coordinator (PPRC)

- (1) The PPRC 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 Governmental Entity is the custodian of the records.
- (2) The PPRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and the 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;
 - ii. The request lacks specificity;
 - iii. An exemption makes the record not subject to disclosure under the TPRA;
 - iv. The City of Kingston is not the custodian of the requested records;
 - v. The records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in the City of Kingston.
 - e. If requested records are in the custody of a different governmental entity, and

the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

(3) The designated PRRC(s) is:

- a. Name or title: City Clerk
- b. Contact information: Kingston City Hall, 900 Waterford Place, Kingston, TN 37763 Phone - (865) 376-6584 Facsimile - (865) 376-1425.

B. Records Custodian Actions

- (1) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 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, then 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 as Form __, 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 3.A.2.b using 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 a large volume of records, or additional time is necessary to prepare the records for access, 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 a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should 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 produce 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. The records custodian and the PRRC may also consult with the OORC.
- (2) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis 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 of records within the offices of the City of Kingston 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 for inspection or may require inspection of records at an alternate location.

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.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment:

Fees and charges for copies of public records should not be used to hinder access to public records.

- A. 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.
- B. When fees for copies and labor do not exceed \$_____, the fees may be waived.

[Requests for waivers for fees above \$ _____ must be presented to _____, who is authorized to determine if such waiver is in the best interest of the City of Kingston and for the public good. Fees associated with aggregated records requests will not be waived.

C. Fees and charges for copies are as follows (if higher than the amounts authorized by the OORC Schedule of Reasonable Charges, documentation should be attached):

(1) \$0.15 per page for letter- and legal-size black and white copies.

(2) \$0.50 per page for letter- and legal-size color copies.

(3) Other:

(4) Labor when time exceeds _____ hours.

(5) If an outside vendor is used, the actual costs assessed by the vendor.

D. [No duplication costs will be charged for requests for less than [\$/# of pages].]

E. Payment is to be made [in cash][by personal check][by credit card] payable to [City] and presented to [the records custodian][bursar] [other].

F. Payment in advance will be required when costs are estimated to exceed \$ _____.

G. Aggregation of Frequent and Multiple Requests:

(1) The City of Kingston will [not] aggregate record 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). [If aggregating]: The level at which records requests will be aggregated is (whether by agency, entity, department, office or otherwise).

(2) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

(3) Routinely released and readily accessible records excluded from aggregation include, but are not limited to: [list records].

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: Kingston City Hall, 900 Waterford Place, Kingston, TN 37763 Phone - (865) 376-6584
Facsimile - (865) 376-1425. Attn: City Clerk.

From: [Insert Requestor's Name and Contact Information (include an address for any TPRA required written 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. Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

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) time frame 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.

Signature of Requestor

Date Submitted: _____

Signature of Public Records Request Coordinator

Date Received: _____