

FERRELL HAILE
STATE SENATOR
SPEAKER PRO TEMPORE

SENATE DISTRICT 18:

**SUMNER, TROUSDALE, & PART OF
DAVIDSON COUNTIES**

LEGISLATIVE OFFICE:

SUITE 708, CORDELL HULL BUILDING
425 5TH AVENUE, NORTH
NASHVILLE, TENNESSEE 37243
PHONE: (615) 741-1999
E-MAIL: sen.ferrell.haile@capitol.tn.gov



Senate Chamber
State of Tennessee

NASHVILLE

MEMBER OF COMMITTEES:

HEALTH & WELFARE
1ST VICE CHAIRMAN

EDUCATION

FINANCE, WAYS & MEANS

RULES

**MEMBER OF SUBCOMMITTEES OF
FINANCE, WAYS & MEANS:**

INVESTIGATIONS & OVERSIGHT

REVENUE

August 20, 2020

Dear Co-Chairs,

The purpose of this letter is to request the Tennessee Advisory Council on Open Government review the attached language concerning open records and provide feedback to the Legislature for consideration prior to the 2021 session.

During the 2020 regular session I sponsored Senate Bill 590/House Bill 626 with assistance from Representative Lamberth in an attempt to address issues related how frivolous public records requests are handled in the state. In Sumner County, and across the state, local governments have been struggling with the costs associated with individuals who wish to make public records requests that serve no purpose other than to harass local governments. In these cases, incredibly broad requests are made, but in an effort to not have to pay for the cost of procurement the requestor will only review the mass of material for a few minutes before making another records request. These seemingly frivolous and ongoing requests are costing local governments tens of thousands of dollars in man-hours and equipment to procure and, in these situations, it is clear to local officials the intent of the request is to simply apply a burden onto the government.

Let me be clear- I am a strong supporter of open government and open records. In no way am I attempting to suppress any citizens right to critique their governments actions or review government records. However, it is clearly apparent that there are some individuals that have no intent on using their rights in a responsible manner and only wish to force governments to produce records for the purpose of inflicting financial damage, for whatever reason.

To that end, I request this Council review the attached amendatory language and provide the Legislature with feedback on how best to handle these few, but costly scenarios.

It would be my preference that you call a meeting as soon as is reasonable to review this language so members will have time to work with all interested parties on an agreeable solution in advance of the 2021 legislative session. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ferrell Haile".