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The Honorable Courtney Rogers
311 6th Avenue North, WMB Suite 110A
Nashville, TN, 37243

Feb. 20, 2017

Dear Representative Rogers,

We are writing to express our support for your bill, HB 58, requiring government entities to accept public records requests by “all official modes of communication” being used by the government entity, including by email.

We have tracked problems with government entities in Tennessee who, despite using email for other government business, refuse to recognize a citizen’s legitimate and lawful public records request simply because they received it by email. Instead, they insist a citizen come in person to make a request or send it through the U.S. Postal Service.

Unfortunately, this practice can be abused to strategically delay access to a public record or, in some cases, where a citizen lacks transportation or has difficulty getting off work during government business hours, effectively block timely access to records. This is contrary to the spirit of open government and the Tennessee Public Records Act. For example, a request through the U.S. Postal Service could take days, including a response, unduly delaying access when a citizen may seek a record in advance of a public meeting or hearing affecting them or their neighborhood.

HB 58 promotes open government and efficiency. It would add clarity, help citizens, and be consistent with court rulings about the Tennessee Public Records Act that have rejected attempts to put form over substance in recognizing a public records request.

Sincerely,

Deborah Fisher, Executive Director, TCOG
cc: House State Government Committee members

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