

**A RESOLUTION  
ESTABLISHING PROCEDURES FOR ACCESSING  
AND COPYING PUBLIC RECORDS**

WHEREAS, the Greene County Legislative Body recognizes the findings of the General Assembly of Tennessee that it is vital in a democratic society that public business be performed in an open and public manner so that public citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy; and

WHEREAS, in order to ensure that Greene County conducts public business in an open and public manner, it shall be the policy of Greene County to comply with both the letter and the spirit of the Open Records Law (T.C.A. § 10-7-504, *et seq.*) as amended; and

WHEREAS, the Greene County Legislative Body has determined that a formal policy regarding the submission and processing of request for access to public records under the Open Records Law should be adopted to provide the public and employees with clear requirements and practices that will permit the County to operate in an open and public manner.

NOW, THEREFORE, BE IT RESOLVED by the Legislative Body of Greene County, Tennessee as set forth below:

- A. Pursuant to the findings above, the Legislative Body hereby adopts its Policy Regarding Requests for Public Records Under the Public Records Act (the "**Policy**"), a copy of which is attached hereto as "Exhibit A".
- B. Consistent with the Public Records Act of Tennessee, personnel of Greene County shall provide full access and assistance in a timely

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and efficient manner to persons who request access to open public records.

- C. Employees of Greene County shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. All inspections of records must be performed under the supervision of employees of Greene County. All copying of public records must be performed by employees of Greene County.
- D. To prevent excessive disruptions of the work, essential functions, and duties of employees of the County persons requesting inspection and/or copying of public records shall complete a records request form to be furnished by the County. If the requesting party refuses to complete a request form, a County employee shall complete the form with the information provided by the requesting party. Persons requesting access to open public records shall describe the records with particularity so that the records may be located and copied by employees.
- E. When voluminous records are requested in writing using the designated form, the person requesting access shall make an appointment with the records supervisor or his/her designee of the department holding the records. Appointments for inspection of records may be for no longer than two (2) hours in one day per request. If further inspection is needed by the requesting party, another appointment may be scheduled. The purpose of this policy is to prevent monopolization of working hours of County Employees and interference with their work duties. Employees shall make every effort to schedule appointments and copying of records so as to provide full access to the requesting party.
- F. Persons may further request that copies be made of open public records. The charge for copies shall be in accordance with the policy. Payment of copying fees is due when the copies are received by the requesting party. If voluminous copies are requested, the County reserves the right to take 48 hours, during the work week, to prepare the copies. No open public records may be removed from the County office for the purpose of copying.

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G. If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection as provided in paragraph D.

H. The Policy is effective immediately upon the adoption of this Resolution.

Budget and Finance  
Sponsor

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**POLICY FOR THE INSPECTION AND COPYING OF PUBLIC RECORDS UNDER  
THE TENNESSEE OPEN RECORDS LAW  
(T.C.A. § 10-7-504 ET SEQ.)**

**I. PURPOSE**

This policy establishes uniform procedures for handling requests under Tennessee's Public Records Law to inspect and/or copy records and to comply with required confidentiality of records. In accordance with Tennessee Code Annotated § 10-7-503 Records Open to Public Inspection, all records made or received in connection with the transaction of official Greene County business shall at all times during business hours, be open for personal inspection by any citizen of Tennessee unless otherwise provided by law or regulations made pursuant thereto; and, the citizen shall have the right to make copies in accordance with T.C.A. § 10-7-506; Right to Inspect Public Records. Any questions concerning public records should be addressed to the Greene County Department Head from which the records are requested.

**II. DEFINITIONS**

A. *Records Custodian*. An individual who is an employee of Greene County who lawfully exercises direct care and control over a specific group or collection of records and is responsible for the protection, preservation and release of non-confidential information pursuant to T.C.A. § 10-7-503 Records Open to Public Inspection-Schedule of Reasonable Charges-Costs. A Records Custodian is not necessarily the original preparer or producer of the record. An entity such as Greene County has multiple Records Custodians.

B. *Public Records*. All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and electronic mail messages, films, sound recordings, or other material regardless of physical form or characteristic, made or received in connection with the transaction of official County business and required to be open to inspection under the provisions of Tennessee law. It should be noted that disclosure of student records is governed by the Family Educational Rights and Privacy Act (FERPA) and Greene County Board of Education Policy 6.602 Access to Education Records and, therefore, not subject to this policy.

C. *Employee Records*. All records related to current or former employees ( staff, faculty, deputies, graduate assistants, etc.) or applicants to such positions, excluding that information deemed confidential by statute, that are maintained in the Human Resource Services Office, Payroll Office, Accounting Office, and any other department that may maintain records that include information on employees.

D. *Confidential Information*. Information in public records that may not be released under the Tennessee Public Records laws, including the following and any other information so defined by statute:

1. *Employee Information*. The following records or information for any employee or former employee:

- a. Home telephone and personal cell phone numbers;
- b. Bank account information and individual health savings account, retirement account and pension account information;
- c. Social Security number;
- d. Residential information, including the street address, city, state and zip code;
- e. Driver's license information, except where driving or operating a vehicle is part of the employee's job description, job duties, or incidental to the performance of his/her job;
- f. The information listed in items a. – e. above concerning immediate family members, whether or not the immediate family member resides with the employee, or household members;
- g. Medical information, sick leave documentation, documentation relating to the Americans with Disabilities Act, as amended, or the Family Medical Leave Act, and Employee Assistance Program (EAP) files.
- h. Emergency contact information;
- i. Personal, nongovernment issued, email address;

j. Job performance evaluations. For purposes of this policy, "job performance evaluations" includes, but is not limited to, job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations.

2. *Audit Working Papers.* Records of an audit may include paper documents and/or electronic documents. Working papers are prepared from the time auditor's first launch their assignments until they write the final reports. The working papers include, but are not limited to, the records of planning and surveys, the audit program, the results of field work, auditee records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and all other records relating to the audit or investigation.

3. *Donor Records.* In accordance with T.C.A. § 49-7-140 Confidentiality of Gift Records, records and information that concern gifts to the County, that include name, address, telephone number, social security number, driver's license information, or any other personally identifiable information about the donor or members of the donor's family shall not be open for inspection. The County or the Foundation will, however, make available, upon request, an annual report of gifts with the amount of the gift and a general description of its use.

### **III. PROCEDURES**

#### *A. Generally.*

1. Except for confidential records as prescribed by law, public records will be open for inspection by citizens of Tennessee in the office of record during business hours. Requests to inspect a record may, but are not required to, be in writing. Requests for copies of records must be made in writing. Persons requesting to inspect or copy records must show identification of Tennessee citizenship with a government-issued photo identification card including the person's address (i.e., driver's license, voter's registration, etc.), and are requested/required to complete a Request to Inspect/Copy Public

Records form which can be downloaded from the link provided. The Records Custodian will maintain the original copy of a completed form to request/inspect records; copies of the form will be sent by the Records Custodian to the Office of the County Attorney and the County Mayor.

2. Requests to inspect/copy records must be made to the Records Custodian, and must be sufficiently detailed to enable the Records Custodian to identify the specific records to be located or copied. When a Records Custodian is unclear as to the records being requested, the Records Custodian should contact the requestor in an effort to clarify and/or narrow the request. If, after attempting to do so, the Records Custodian is still unable to determine what is being requested, the request should be denied based upon the requestor's failure to sufficiently identify the requested records. A Records Request Denial Letter should be sent to the requestor.

3. The County is not required to create records or compile information.

*B. Form or Format of Record to be Inspected/Copied.* The public records laws require that actual records be produced or used for viewing and/or copying. The nature of certain records and applicable confidentiality requirements, however, may result in providing the requested record/information in a form or format other than the original records form or format. In such cases, the Records Custodian may coordinate with the requestor to find an alternate form or means of providing access to the same desired record or information as available under the open records laws. In the event the records include confidential information, copies of the record will be made and the confidential information will be redacted (stricken) before being made available for inspection or copying.

*C. Custody Not Relinquished.* Custody of the original record is not to be relinquished. The person requesting to inspect the record must inspect the records in the presence of the Records Custodian. If the request is for copies of the record(s), the County will provide the copied information.

*D. Time Required to Produce Records.* If the record cannot be produced within seven (7) business days, e.g., they are filed in archives, being

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used for official business or it will take additional time to redact confidential information from the record, the requestor shall be advised when the record(s) will be available. All efforts will be made to provide the records within a reasonable period of time. A Records Production Letter using this form must be provided. If the request will be denied, a Records Request Denial Letter must be sent within seven (7) business days.

*E. Media Requests.* Requests to inspect/copy records submitted by a representative of the news media (newspaper, radio, television, magazine, etc.) must be made through the County Mayor's Office or the Office of the County Attorney, which will arrange for the inspection or copying of the records.

*F. Other Offices to be Notified.* The Office of County Attorney and the Office of the County Mayor should always be notified when records are requested to be inspected/copied. These offices may be required to assist in answering questions, coordinating release of any additional information, and ensuring correct understanding of the records. Further, these offices will be provided copies of inspected and/or copied records upon request or whenever the Records Custodian believes the circumstances warrant.

*G. Inspection of Employee Records.*

1. Personnel records of all employees and staff, including former employees, are subject to inspection/copying under Tennessee's Public Records Law, unless designated as confidential by statute. Persons requesting to inspect/copy personnel records are requested to complete the Request to Inspect/Copy Public Records form and must show identification of Tennessee citizenship through a government-issued photo identification card. All confidential information must be redacted before inspection/copying. The current employee will be notified that such a request was made and who made the request.

2. Medical records are maintained separately from personnel records and are considered to be confidential. Examples of medical records include, but are not limited to, sick leave documentation and employee assistance program (EAP) files.



H. *Question if Document is Open Record.* If it cannot be readily determined whether or not the Tennessee Public Records Law covers a requested document, the Records Custodian shall refer the matter to the Office of County Attorney.

I. *County Departments.* This procedure shall not apply to County departments that request to inspect and/or receive copies of records for County business purposes or records of employees who report to that department. Notwithstanding, however, the Records Custodian may require the requesting department to certify the business purpose of the request.

#### **IV. COPYING OF PUBLIC RECORDS**

A. Upon request, the County will provide copies of public records at the requestor's expense. When a request for copies is received, the Records Custodian should not relinquish the records. Confidential information shall always be redacted before copies are provided.

B. It is the responsibility of the Records Custodian to make copies or arrange for copies to be made as well as to determine copy fees and charges, as stated below. An itemized estimate of the charges to be assessed for copies and labor should be provided to the requestor prior to producing the requested copies. Payment of fees and charges are to be made in advance to the head of the department or at the trustee's office and the requestor shall present the receipt to the Records Custodian. Payment will be credited to the Record Custodian's account or the account of the department responsible for preparing the records.

1. Letters, minutes, maps, court records, blueprints, etc.

a. The requestor shall be required to complete a Request to Inspect/Copy Public Records form identifying the specific record(s) to be copied. The request form, along with any other documents relevant to the request, shall be maintained in the Records Custodian's file.

b. If available to do so, the Records Custodian may immediately make the requested copies and provide the documents to the requestor, so long as the requestor has paid for the charges according to the schedule of Fees/Charges listed below.

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c. The Records Custodian shall advise the requestor that payment for the copies is to be made to the department head or his/her designee or at the Trustee's office. Upon presentation of an official receipt to the Records Custodian, the requested copies will then be made.

d. All efforts will be made to make the copies within a reasonable period of time. If the Records Custodian is not immediately available to make the copies, the requestor shall be advised that he/she will be notified when and where the copies will be available for pickup and where payment for the copies may be made. If the records will not be available within seven (7) business days of the date of the request, the requestor shall be provided a Records Production Letter.

## 2. Tape or video recordings, computer tapes, and other electronic documents.

a. The requestor shall be required to complete a Request to Inspect/Copy Public Records form identifying the specific record(s) to be copied. The request form, along with any other documents relevant to the request, shall be maintained in the Records Custodian's file.

b. If there is not an established fee rate for the type of reproduction (copy) to be made, the Records Custodian should expeditiously ascertain the cost for duplication and notify the requestor of the charge. Payment for the charge shall be made in advance to the department head, his/her designee, or at the trustee's office.

c. Upon payment by the requestor, the record should be duplicated and arrangements made for pickup by the requestor.

## 3. Copy Format

a. Notwithstanding the form of the records, reproduction or copying of records shall be made in a form as best determined by the Records Custodian.

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b. Information on computer tapes and other electronic documents should be copied in a printed format whenever possible. An actual reproduction of the computer tape, etc. should not be provided.

c. No records shall be produced or copied in a form to further a commercial, business, or similar purpose, for example, mailing labels, envelopes, lists of telephone numbers, special format on computer disk, etc.

d. If the requested records exist electronically, but not in the format requested; or a new or modified computer program or application is necessary to put the records in a readable and reproducible format; or it is necessary to access backup files, the Records Custodian shall charge the requestor the actual costs incurred in producing the records in the format requested, or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format, or in accessing backup files.

e. Records should be produced electronically whenever feasible as a means of utilizing the most cost effective method of producing records.

f. If electronic records are provided, they will be produced in read-only format.

#### 4. Fees and Charges.

a. No fees or charges may be imposed for inspection of records.

b. An itemized estimate of the fees and charges should be provided to the requestor. Payment of this amount must occur prior to copies being made. Payment in full of the actual costs must be made prior to release of the requested copies. Both the estimated charges and the actual charges may be included on the Request to Inspect/Copy Public Records form.

c. Fees.

(1) If copies of the document are sought, the price is 15 cents per page (black and white), 50 cents per page (color)

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for standard letter and legal pages, plus the actual cost of labor and/or programming to produce the copy, after the first hour. The price per copy for larger documents (such as blueprints and other specialized documents) is the actual cost. Documentation establishing the amount of the actual cost should be maintained.

(2) If the determined format of the copy is other than paper photocopy, the requestor shall be charged a reasonable fee. Under special circumstances and depending on how best to reproduce/copy the records, the Records Custodian, with the approval of the Office of County Attorney, may negotiate with the requestor the fee to be paid. Documentation establishing the basis of the fee should be maintained.

(3) Any actual delivery costs incurred by the County, such as postal fees, will be added to the final bill for records.

d. Labor/Programming Charges.

(1) Labor is the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the record. Programming is the time reasonably necessary to extract information requested from a database. All labor and programming charges, after the first hour, must be paid by the requestor to obtain a copy of the record. A receipt upon payment of the fees and charges will be provided.

(2) In calculating the charges for labor and/or programming, the Records Custodian shall determine the number of hours each employee spent producing a request. The first hour, which is not charged to the requestor, shall be subtracted from the number of hours the highest paid employee(s) spent producing the request. The remaining hours are then totaled for each employee, and multiplied by that employee's hourly wage. The results are then added together for the total amount of labor that will be charged. The form to record and calculate the labor cost is located at Calculation of Labor Costs. This form is used to tally these charges, and the totals

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are provided to the requestor on the Request to Inspect/Copy Public Records form.

(3) If the requested records exist electronically, but not in the format requested, or a new or modified computer program or application is necessary to put the records in a readable and reproducible format, or it is necessary to access back up files, the requesting party shall be charged the actual costs incurred in producing the records in the format requested or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format or in accessing back up files.

e. If the total amount of fees, labor/programming charges, and postage is less than \$5.00, the cost will be waived.

## **V. DUTIES OF THE RECORDS CUSTODIAN**

In responding to requests to inspect or copy records, it is anticipated that the Records Custodian will be responsible for the following:

A. Receive the request. If the request is for copies, it must be in writing and the Request to Inspect/Copy Public Records form must be used.

B. Verify Tennessee citizenship. The identification produced should be copied and the copy maintained with the original request form.

C. If the Records Custodian determines that he/she is not the appropriate custodian of record, direct the requestor to the correct Records Custodian, if possible. If the request is from the news media, the requestor must be directed to the Office of the County Attorney or the Office of the County Mayor.

D. Notify the Office of the County Attorney and the Office of the County Mayor of the request.

E. Coordinate compiling the requested records.

F. If the request is to inspect records, arrange a location for the requestor to do so. Inspection must be made in the presence of the Records Custodian.

G. If the request is for copies, provide the requestor with an itemized estimate of the fees and charges using the Request to Inspect/Copy Public Records form, and require payment for such. The receipt should be maintained with the request to inspect/copy. Once payment is received, direct that copies be made.

H. Ensure that the appropriate redactions of confidential information are made whether the request is for inspection or copies.

I. When the copies are available, determine the final amount of the fees and charges using the Labor Cost form, and provide the totals on the Request to Inspect/Copy Public Records form. Provide the requestor with the actual cost amounts and specify that payment in full is required prior to release of the copies.

J. Designate the appropriate account number(s) on the receipt for distribution of the funds.

K. Provide appropriate correspondence to the requestor. Within 7 business days of receipt of a request, the Records Custodian must:

1. Make the records available for inspection or provide the requested copies;
2. Deny the request to inspect or copy using the Records Request Denial Letter, indicating the basis for the denial; or,
3. If the records cannot be made available within seven (7) business days of the request, send the Records Production Letter indicating when the requested records or copies of the records will be available.

L. Maintain documentation regarding the request to include, as appropriate:

1. The Request to Inspect/Copy Public Records form.
2. Proof of Tennessee citizenship.
3. Labor Cost form(s).

4. Copies of receipts for payment of fees and charges.
5. Correspondence with requestor.