

PUBLIC RECORDS POLICY
FOR
PERRY COUNTY GOVERNMENT

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Perry County is hereby adopted by Perry County Commission to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

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 Perry County Government are presumed to be open for inspection unless otherwise provided by law.

Personnel of Perry County Government 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 Perry County, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Perry County or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of County Clerk. This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Perry County Government except the following offices, departments, or divisions of, Perry County Government which have separate public records policies:

- a. SEE ATTACHED LIST

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 III, 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 [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 Form X at [physical location and mailing address for the request to be made] or by phone at [insert number]. *[Indicate additional acceptable means for submission of requests.]*
- D. Requests for copies, or requests for inspection and copies, may be made in writing Public Record Request Response at Perry County Government P.O Box 16 Linden Tennessee 37096. *[If a form is required for copies, ensure it is attached to the policy as this is now required by Tenn. Code Ann. § 10-7-503(g).] [Indicate additional acceptable means for submission of request.]*
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or Federal or State ID with residential address is required as a condition to inspect or receive copies of public records.

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 Governmental 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 requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Forms 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 or *if 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 Governmental Entity 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 [Name of the Governmental Entity].
 - 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(are):
- a. Name or title: See Attached List
 - b. Contact information: See Attached List *[include the physical and mailing address and the phone number. If available, include the email address and the fax number].*
4. [The PRRC(s) shall report to the governing authority on an annual basis about the Governmental Entity's compliance with the TPRA pursuant to 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. § 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 III.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 [(if the Governmental Entity is a state agency) or with the Office of Attorney General and Reporter].
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, if such inspection is possible. However, there may be a charge for researching, locating and redacting any such documents prior to any inspection.
- B. If an inspection is possible, the location for inspection of records within the offices of Perry County Government should be determined by either the PRRC or the records custodian.
- C. If an inspection is possible, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. *[If an appointment is needed, or hours for inspection are less than the full business hours, describe it here].*

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 *[or indicate here]*.
- C. Upon payment of any labor fees and payment of for fees for copying, researching, locating, and/or redacting (as required) the documents, the requestor must show proof of Tennessee Citizenship and (if mailing is requested) the requestor must pay postage for mailing to the requestor's home address by the United States Postal Service.

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 prior to producing copies of records and will require pre-payment of such charges before delivering the requested records.

- C. When fees and labor do not exceed \$ 5.00, the fees may be waived. Requests for waivers for fees in excess of \$5.00 must be presented to the Perry County Mayor, who is authorized to determine if such waiver is in the best interest of the Perry County Government and for the public good. If such a waiver is granted the Perry County Mayor must prepare a letter stating why the waiver was granted and why not collecting the fees is in the best interest of Perry County and the public good. Furthermore, fees involving aggregated records request shall not be waived.
- D. 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. \$0.50 per page for letter- and legal-size black and white copies (All copies will be in black and white.)
 2. \$0.50 per page for letter- and legal-size color copies (All copies will be in black and white.)
 3. Other: There will be labor fees for locating, researching, and/or redacting documents (Labor will be \$20.00 per hour for each hour or part of an hour.). A minimum labor charge of \$20.00 will be assessed for matters involving 30 minutes or less in time. For matters that take longer to complete, labor charges will be calculated at \$20.00 for every hour and for every part of an hour required to respond to the specific Open Records Act request.
 4. If mailing is requested, there will be a fee for postage through the U.S. Postal Service.
 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash or by personal check payable to Perry County presented to the records custodian.
- F. Payment in advance will be required [when costs are estimated to exceed \$ 100.00.
- I. Aggregation of Frequent and Multiple Requests
1. [Name of Governmental Entity will 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).
 2. [If aggregating]: NO
 - a. The level at which records requests will be aggregated is ____ (*whether by agency, entity, department, office or otherwise*).
 - b. 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.
 - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: (*list records*).

PUBLIC RECORD REQUEST RESPONSE FORM

Perry County Government

P.O. Box 16

Linden, Tennessee 37096

DATE: _____

Requestor's Name _____

Contact Information _____

In response to your records request received on Date Request Received _____, our office is taking the action(s)¹ indicated below:

- ☐ The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

- ☐ Copies of public record(s) responsive to your request are:

☐ Attached;

☐ Available for pickup at the following location:

☐ _____; or
☐ Being delivered via: ☐ USPS First-Class Mail

- ☐ Your request is denied on the following grounds:

☐ Your request was not sufficiently detailed to enable identification of the specific requested record(s).
You need to provide additional information to identify the requested record(s).

☐ No such records exists or this office does not maintain records responsive to your request.

☐ No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

☐ You are not a Tennessee citizen.

☐ You have not paid the estimated copying/production fees.

☐ The following state, federal, or other applicable law prohibits disclosure of the requested records:

_____.

- ☐ It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

☐ It has not yet been determined that records responsive to your request exist; or

☐ The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact Perry County Public Records Request Coordinator for each office.

Sincerely,

Public Record Request Coordinator

Name, Title, and Contact Information

¹ If all requested records do not have the same response, so indicate.

Effective: January 20, 2017

Records Request Response Form
Tenn. Code Ann. § 10-7-503(a)(2)(B)