

Anderson County, Tennessee

Board of Commissioners

Public Records Policy

Pursuant to *Tenn. Code Ann. § 10-7-503(g)*, the following Public Records Policy for Anderson County is hereby adopted by the Anderson County Board of Commissioners to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) codified at *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 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 Anderson County are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the Human Resources Department and County Mayor’s Office. This Policy shall be reviewed every two years by the Human Resources Advisory Committee and Records Commission for legal compliance and amended as needed.

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

Offices that desire to adopt separate policies and not utilize the county general policy shall submit each policy to the Law Director for legal review and subsequently forward the policy to County Commission for approval. Once approved by the County Commission, a copy shall be delivered to the Public Records Request Coordinator. Henceforth, the coordinator shall immediately forward all requests for inspection and copies of public documents to the applicable office holder or department head for processing.

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, nor the Public Records Request Coordinator.
- 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, with the exception of those records made confidential by Tennessee law. *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. The Public Records Request Coordinator for Anderson County is the Director of Human Resources.
- 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. Notwithstanding any provision contained within this policy to the contrary, a records request may be submitted directly to the records custodian for the requested document, if known.
- 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 Request Form and delivered to the appropriate PRRC identified in Section III, A, 3.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Request Form and delivered to the PRRC at the Office of Human Resources, 100 North Main Street, Room 102, Clinton, TN 37716; Phone: 865-259-2300; Fax: 865-457-6259; Email: andersoncountyhr@andersontn.org, or, for those departments supervised by the County Mayor's Office, Requestors should contact Ms. Leean Tupper, Assistant to the County Mayor, Anderson County Courthouse, Room 208; Phone: 865-457-6200, or Fax: 865-264-6270; Email: acmayor@andersontn.org. A Requestor who knows the Records Custodian for the particular record may deliver the identified form to the specific Records Custodian, instead of the PRRC.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID under Tennessee law such as state issued photo identification, military identification or handgun permit) is required as a condition to inspect or receive copies of public records.
- F. A copy of this policy shall be posted on the Anderson County Website at all times and made available for inspection and copies in the Human Resources Office. Those departments or offices adopting separate Public Records Policies shall post copies of the applicable policy within the department or office and the Anderson County Website.

III. Responding to Public Records Requests

A. Public Record Request Coordinator or Records Custodian

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 and the identity of the specific department or office.
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. 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. (Offer to assist in clarification)
 - iii. A legal exemption makes the record not subject to disclosure under the TPRA or other provisions of Tennessee law.
 - iv. The Governmental Entity is not the custodian of the requested records.
 - v. The records do not exist. Anderson County is not required under this policy to compile or create a document that does not exist. Requests governed by this policy are for records that have been previously made or compiled during the course or transaction of governmental business.
 - c. If appropriate, contact the requestor to see if the request can be narrowed or clarified.

- d. Forward the records request to the appropriate records custodian for processing, or forward the request to the department or office head that has elected to adopt their own Public Records Policy by the next business day.
- 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. Anderson County Government utilizes two different Public Records Request Coordinators depending on the source of the request public record. The designated Public Records Request Coordinators are:

- a. Offices and departments **not** under the supervision of the County Mayor:
 - i. Anderson County Director of Human Resources
 - ii. Contact information: Anderson County Courthouse, 100 North Main Street, Room 102, Clinton, TN 37716; Phone – 865-259-2300; Fax – 865-457-6259; Email – andersoncountyyhr@andersontn.org.
 - iii. For all Offices and Departments not listed in Section 3. b. ii). below.
- b. Departments under the County Mayor's supervision. (See departmental listing below):
 - i. Ms. Leean Tupper, Assistant to the County Mayor
 - ii. Contact information: Anderson County Mayor, 100 North Main Street, Room 208, Clinton, TN 37716; Phone – 865-457-6200; Fax:865-264-6270; Email – acmayor@andersontn.org.
 - iii. For the following departments under the supervision of the County Mayor:

Animal Control
Buildings and Grounds
Community Planning Development
Emergency Medical Service
Emergency Management Service
Fleet Services
Pre-trial Release
Senior Center/Office on Aging
Solid Waste
Switchboard

4. If specific personal information is requested regarding an individual employee or group of employees, the PRRC and/or the Records Custodian shall notify the employee(s) prior to releasing the requested document. The PRRC(s), and individual departments or offices that have adopted different Public Records Policies, 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 provide a response to the requestor or make the requested public records available within seven (7) business days 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 practical to promptly provide requested records because additional time is necessary to determine whether the requested records exist; are exempt, 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, the 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 advising the requestor that additional time is needed to comply with the request. The records custodian shall promptly complete and provide the requested record when available.
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 the County Law Director. Records custodian and the PRRC may also consult with the OORC

for specific advice on fulfilling any public records request.

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.
3. Records contained in the Register of Deeds Office and court records retained by the Court Clerk or Clerk and Master shall be exempt from the provisions of this policy when the requestor is the owner or party to a transaction recorded in the Register of Deeds Office or a party to a court proceeding.

IV. Inspection of Records

- A. There shall be no charge for inspection of open public records provided the inspection process takes less than one hour. If governmental personnel are assigned to monitor or assist with inspection, the first hour will be free of charge. Any subsequent time will be charged to the requestor at the hourly rate of the employee assigned to monitor or assist with inspection.
- B. The location for inspection of records within the offices of Anderson County 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 in writing within seven (7) days 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. Copies may be delivered by email if requestor agrees. Upon payment for postage, copies will be delivered to the requestor's home address, as indicated on document(s) proving Tennessee citizenship, by the United States Postal Service. Additional permitted means of delivery are allowable provided payment for delivery services are made in advance by requestor.
- D. A requestor will not be allowed to make copies of records with personal equipment or have documents transferred to a personal storage device; however, a county employee may utilize a county-purchased storage device to fulfill a public records request provided the requestor reimburses the county for the storage device. In no case will privately owned storage devices be connected and utilized by the requestor to extract data from county owned IT components. Notwithstanding any provision contained within this policy, a requestor may utilize a personal camera or phone camera to photograph requested documents, however, reasonable charges will be assessed as outlined in Section IV, A.

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; however, taxpayer monies used for equipment, supplies and personnel utilized to

process public records requests are subject to reimbursement by the requesting party.

- B. Records custodians shall provide requestors with an itemized estimate of the charges on the form provided prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. In hardship cases the duplication and processing fees may be waived with the approval of the department head or elected official provided a written request for a waiver is received from the requestor setting forth the reasons and facts supporting the hardship.
- D. Fees and charges for copies are as follows:
 - 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 storage devices such as memory sticks, disk, discs, tape(s), external hard drives and the like will be charged at the actual reimbursement rate plus personnel time above one hour utilized in processing the request.
 - 4. When time exceeds one hour the requestor will be charged for the reimbursement of personnel expense at the hourly wage rate for the employee(s) utilized.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Copy rates may be increased and amended as authorized by Tennessee law.
- F. Payments are to be made in checks only payable to "Anderson County." All payments shall be receipted by the Finance Department with the exception of documents obtained through the Sheriff's Office or the respective court clerks.
- G. Payment in advance will be required when processing costs are estimated to exceed one hundred dollars \$100.00.
- I. Aggregation of Frequent and Multiple Requests
 - 1. Anderson County 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).

VII. Retention

All public records requests, response forms and documents provided shall be retained by the departmental records custodian for a period of five (5) years and shall not be destroyed until after the retention period has expired.

VIII. Interpretation

- A. When questions arise concerning the interpretation of this policy employees should, and are strongly encouraged to contact the Office of Open Records Counsel or the County Law Director.

Tennessee Office of Open Records Counsel
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, TN 37243-1402
Phone: 866-831-3750
Email: Openrecords@cot.tn.gov

Approved this 19th day of June, 2017.

Steven R. Emert, Chair, Co. Comm.

Terry Frank, County Mayor

ATTEST:

Jeff Cole, County Clerk

PUBLIC RECORDS REQUEST FORM
Anderson County, Tennessee

[Date]

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: Anderson County Public Records Coordinator

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 only¹.)
 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) timeframe 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

Signature of Public Records Request Coordinator

Date Submitted

Date Received:

ⁱ Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

PUBLIC RECORDS RESPONSE FORM
Anderson County, Tennessee

[Date]

[Requestor's Name and 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 Electronically Other: _____
- 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 record(s) exists or this office does not maintain record(s) 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 [Records Custodian or Public Records Request Coordinator].

Sincerely,

Public Records Request Coordinator/ Records Custodian