



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL

REASONABLE CHARGES FOR FREQUENT AND MULTIPLE REQUESTS

PURPOSE:

Tenn. Code Ann. § 8-4-604(a)(2) requires the Office of Open Records Counsel (“OORC”) to establish a policy related to reasonable charges a records custodian may charge for frequent and multiple requests for public records pursuant to the Tennessee Public Records Act (“TPRA”), Tenn. Code Ann. § 10-7-501, et seq. Accordingly, the following policy sets forth guidelines for assessing reasonable charges associated with the aggregation of multiple and frequent records requests.

This policy should be used in connection with the Schedule of Reasonable Charges promulgated by the OORC. This policy should not be interpreted as requiring a governmental entity to include in its public records policy charges for frequent and multiple requests for public records. However, this policy does permit a governmental entity to aggregate labor charges for frequent and multiple requests.

POLICY:

I. Aggregation Policy

- A. A governmental entity may include in its public records policy a rule whereby multiple or frequent records requests are aggregated for purposes of calculating charges for copies or duplicates of public records.
- B. A records custodian may aggregate the total number of public records requests made by a requestor, and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization.
- C. The public records policy shall specify the level at which records requests will be aggregated, whether by agency, entity, department, office or otherwise. Additionally, the policy shall indicate the number of request within a calendar month that will trigger aggregation, which amount must be no lower than four (4).
- D. However, such level of aggregation, as well as excessive fees and other rules shall not be used to hinder access to non-exempt public records. A records custodian may reduce or waive, in whole or in part, any charge in accordance with the governmental entity’s public records policy.

II. Charges for Aggregated Requests

- A. Within a calendar month, once a records custodian receives more than 4 requests from a single individual or a group of individuals deemed to be working in concert, the records custodian no longer is required to deduct the free labor threshold.
- B. A records custodian choosing to aggregate requests must inform the requestor(s) of the determination to aggregate and that they have the right to appeal the decision to aggregate to the Office of Open Records Counsel.
- C. Requests for items that are routinely released and readily accessible, such as agendas or approved meeting minutes, are exempt from this policy.
- D. Disputes regarding aggregation shall be brought to the Office of Open Records Counsel.

Submitted to ACOG: November __, 2016
Effective:

DRAFT