

**POLICY:**

**PUBLIC RECORDS POLICY**

FOR

FENTRESS COUNTY, TENNESSEE

Adopted by Resolution

June 19, 2017

Effective for Public Records Requests after

July 1, 2017

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Fentress County, Tennessee is hereby adopted by Fentress County Election Commission to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Anne. § 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 Fentress County, Tennessee are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the office of Fentress County Executive. [This Policy is posted online at [fentresscountyttn.gov](http://fentresscountyttn.gov)]. This Policy shall be reviewed every two years.

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

- a. Fentress County Board of Education
- b. Fentress County Highway Department

c. F. C. Election Commission

## 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 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)(A).
- 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 [or via online submission] 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] at the office to which the request is being made.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing [using the attached form] at the office to which the request is being made.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) 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 (if required);
  - (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. 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.
    - iii. An exemption makes the record not subject to disclosure under the TPRA.
    - 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.
  - 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 the PRRC for that entity if known.
- 3. The designated PRRC(s) is(are):
  - a. Name or title: Leslie Clark Ledbetter, Attorney for Fentress County, Tennessee
  - b. Contact Information: leslie.ledbetter@fentresscountyttn.gov , 6890 South York Highway, Clarkrange, TN 38553, Telephone: (931)863-5997, Facsimile: (931)863-4954
- 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 Anne. § 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 (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 1, 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, 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.
- B. The location for inspection of records within the offices of [All county elected officials and departments] 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. If appointment is needed, please call the office of Leslie Clark Ledbetter [931-863-5997] to schedule an appointment for inspection.

**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.

- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will be allowed to make copies of records with personal equipment upon request, identification of the device, and review and approval of public records coordinator, Leslie Clark Ledbetter.

**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. [No charges will be assessed for copies and duplicates unless \$5.]
- B. Records custodians shall provide requestors with an itemized estimate of the charges [using Form 1] prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$5.00, the fees may be waived. [Requests for waivers for fees above \$5.00 must be presented to Fentress County Commission who is authorized to determine if such waiver is in the best interest of Fentress County, Tennessee and for the public good. [Fees associated with aggregated records requests will 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. \$0.15 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: \_\_\_\_\_
  - 4. Labor when time exceeds 1 hour.
  - 5. If an outside vendor is used, the actual costs assessed by vendor.
- E. No duplication costs will be charged for requests for less than \$5.00.
- F. Payment is to be made in cash or by personal check made payable to Fentress County, Tennessee presented to the records custodian.

G. Payment in advance will be required when costs are estimated to exceed \$5.00.

H. Aggregation of Frequent and Multiple Requests

1. Fentress County, Tennessee 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:
  - a. The level at which records requests will be aggregated is all county records (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.
3. Notwithstanding, any other provision of this Public Records Request, Fentress County Election Commission recognizes that Tennessee requires that Voter Registration Lists are under governed by T.C.A. Section 2-2-138 and fees charged by The Fentress County Election Commission for Voter Lists are not governed by the Public Records Request process.

Voter records are available for the years \_\_\_\_\_ - 2017, prior year records are no longer kept in the Election Commission Office.

The Request Form for requesting Voter Lists is attached heretofore, and the Fee for such paper list requests is \$\_\_\_\_\_, per \_\_\_\_\_ (Political Boundary ie Commission District, City, or other district etc). Payment by cash or check is required prior to pick up.

The Fee for set up of a CD-ROM or disc format is \$\_\_\_\_\_, when available.

The Election Commission keeps records of all voter list requests for a period of 3 years.

This policy is hereby adopted this 19<sup>th</sup> day of June, 2017 and is effective July 1, 2017.

APPROVED:

ATTEST:

\_\_\_\_\_  
J. Michael Cross, County Executive

\_\_\_\_\_  
Marilyn Stephens, County Clerk

**PUBLIC RECORD REQUEST RESPONSE FORM**  
**Fentress County, Tennessee**  
**PRRC Leslie Clark Ledbetter**

Date: \_\_\_\_\_

Requestor's Name and Contact Information: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_, our office is taking the action(s)<sup>2</sup> 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 Leslie Clark Ledbetter  
Public Records Request Coordinator.

Sincerely,

<sup>2</sup> If all requested records do not have the same response, so indicate.



## PUBLIC RECORDS REQUEST FORM

*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: Fentress County Public Records Request Coordinator- See Form A

From:

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>1</sup>.)

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.

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\_\_\_\_\_  
Signature of Requestor and Date Submitted

\_\_\_\_\_  
Signature of Public Records Request Coordinator and Date Received

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

**FORM A**

**Public Records Request Coordinator (PRRC)  
For Fentress County Officials & Departments**

**Name: LESLIE CLARK LEDBETTER, COUNTY ATTORNEY**

**CONTACT INFO:**

**Phone: 931-863-5997**

**Fax: 931-863-4954**

**email: [leslie.ledbetter@fentresscountyttn.gov](mailto:leslie.ledbetter@fentresscountyttn.gov)**

**Address: 6890 S York Hwy**

**Clarkrange, TN 38553**

Leslie Clark Ledbetter, 6890 S York Hwy, Clarkrange, TN 38553, (931)863-5997  
leslie.ledbetter@fentresscountyttn.gov

PRRC, Fentress County, Tennessee