

I wrote some notes in margin

Dorothy B.

RESOLUTION NO. _____

TO ADOPT A PUBLIC RECORDS POLICY FOR HENDERSON COUNTY GOVERNMENT

WHEREAS, Tenn. Code Ann. § 10-7-503(g), 2016 Public Chapter 722, requires county entities to adopt a public records policy by July 1, 2017; and

WHEREAS, Tenn. Code Ann. § 8-4-604(a)(4), 2016 Public Chapter 722, requires the office of open records counsel (OORC) to establish a model public records policy; and

WHEREAS, the OORC's model public records policy requires county entities to make certain selections under the policy; and

WHEREAS, Henderson County desires to adopt the OORC's model public records policy with the necessary selections;

NOW THEREFORE, BE IT RESOLVED by the Henderson County legislative body meeting in Apr. session at Lexington, Tennessee, on this 10 day of April, 2017, that:

SECTION 1. The model public records policy developed by the OORC with the selections and revisions chosen by Henderson County is attached to this resolution and is hereby adopted as the Public Records Policy for Henderson County.

SECTION 2. County entities may adopt separate policies or, by default, accept this policy as the public records policy for the entity. Unless a separate policy is adopted by a county entity, this policy shall apply to each county entity.

SECTION 3. This resolution shall take effect July 1, 2017, the public welfare requiring it.

ADOPTED this 10 day of April, 2017.

APPROVED:

Don Hughes
County Mayor

ATTEST:

Carelyn Helms
County Clerk



PUBLIC RECORDS POLICY
FOR
HENDERSON COUNTY, TENNESSEE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Henderson County, Tennessee is hereby adopted by the Henderson 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 Henderson County, Tennessee are presumed to be open for inspection unless otherwise provided by law.

Personnel of Henderson County, Tennessee shall timely and efficiently provide information and assistance to persons requesting to view or receive copies of public records. No provision 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 Henderson County, Tennessee, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Record Request Coordinator for Henderson County, Tennessee or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the Henderson County Mayor. This Policy is posted online at <http://www.hendersoncountyttn.gov/>. This Policy shall be reviewed by the Henderson County Commission every two years. Not post
(NA)

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

- a. Henderson County Clerk & Master Office, pursuant to Tenn. Code Ann. § 8-21-401
- b. Henderson County Clerk's Office, pursuant to Tenn. Code Ann. § 8-21-701
- c. Henderson County Register of Deeds, pursuant to Tenn. Code Ann. § 8-21-1001
- d. Henderson County Sheriff's Department
- e. Henderson County Health Department

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] at ATTN: Public Record Request Coordinator, 17 Monroe Street, Lexington, TN 38351 or by phone at 731-968-0123.~~
- D. Requests for copies, or requests for inspection and copies, may be made in writing, using the attached form, at ATTN: Public Record Request Coordinator, 17 Monroe Street, Lexington, TN 38351. The attached form is required for copies, as required by Tenn. Code Ann. § 10-7-503(g).
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is not required as a condition to inspect or receive copies of public records.

*this title does not appear on the website
Not same phone as listed for county clerk on website*

(Aerthy)

Not same as indicated on website - says to contact the county clerk

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 records requested are described with sufficient specificity to identify them; and
 - b. If Henderson County, Tennessee 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. Form(s) required for copies;

- ii. Fees; and
 - iii. 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 request lacks specificity.
 - ii. An exemption makes the record not subject to disclosure under the TPRA.
 - iii. Henderson County, Tennessee is not the custodian of the requested records.
 - iv. 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 Henderson County, Tennessee.
- 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 is:

- a. Name or title: Public Record Request Coordinator
- b. Contact information: Henderson County Mayor's Office
17 Monroe Street, Lexington, TN 38351
Phone: (731) 968-0123
Fax: (731) 968-9085

4. The PRRC shall report to the Henderson County Commission on an annual basis about Henderson County, Tennessee'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 Record Request Response Form, which is attached.

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 Record Request Response Form, attached.
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 Record 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 Office of Attorney General.
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 Henderson County, Tennessee should be determined by the PRRC.
- C. Under reasonable circumstances, the PRRC 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 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 not be allowed to make copies of records with personal equipment.

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 the department that maintains the records has a separate public records policy that includes charges.

VII. Aggregation of Frequent and Multiple Requests

1. Henderson 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 by department.
 - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC 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 are excluded from aggregation.

**PUBLIC RECORD REQUEST RESPONSE FORM
HENDERSON COUNTY, TENNESSEE
17 Monroe St., Lexington, TN 38351**

[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.
 - 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 the Public Record Request Coordinator.

Sincerely,

Public Record Request Coordinator
17 Monroe Street
Lexington, TN 38351
(731) 968-0123

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

**PUBLIC RECORD REQUEST FORM
HENDERSON COUNTY, TENNESSEE
17 Monroe St., Lexington, TN 38351**

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: Public Record Request Coordinator, Henderson County
17 Monroe Street
Lexington, TN 38351

From: _____
Requestor's Name and Address

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only¹.)
 Copy/Duplicate

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 and Date Submitted

Signature of Public Records Request Coordinator and Date Received

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