

PUBLIC RECORDS POLICY FOR WAYNE COUNTY GOVERNMENT

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

The Tennessee Public Records Act (“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 Wayne County Government are presumed to be open for inspection unless otherwise provided by law.

Personnel of Wayne County Government shall timely and efficiently provide access and assistance i to persons requesting to view or receive access to 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 Wayne County Government, shall be protected as provided by current law. Concerns about the Policy should be addressed to the Public Records Request Coordinator for Wayne County Government or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of Wayne County Clerk. This Policy is posted online at www.waynecountytn.org. This Policy shall be reviewed every two years.

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

- a. Wayne County Highway
- b. Wayne County Circuit Court

I. Definitions:

Records custodian: The office, official or employees 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 necessary the original preparer or receiver of the record.

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).

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. § 10-7-504(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.

Redacted record: A public record otherwise open for public inspection from which protected or confidential information is removed or made obscured prior to release or inspection.

Requestor: A Tennessee citizen requesting access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. All public record requests shall be made to a Public Records Request Coordinator (“PRRC”) or his/her designee in order to ensure public record requests made pursuant to the TPRA 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 OORC PUBLIC RECORDS REQUEST FORM] at Wayne County Courthouse, 100 Court Circle, Suite 200, Waynesboro, TN 38485 or by phone at 931-722-3653 ext. 2517.
- D. Request for copies, or request for inspection and copies, may be made in writing [using the attached form OORC PUBLIC RECORDS REQUEST FORM] at Wayne County Courthouse, 100 Court Circle, Suite 200, Waynesboro, TN 38485. Request for inspection are also accepted via fax – 931-722-5994 or email stan.horton@tn.gov, in addition to be mailed or hand delivered. [Required by Tenn. Code Ann. § 10-7-503(g).]
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license or Tennessee Photo ID card is required as a condition to inspect or receive copies of public records.

III. Responding to Public Records Requests

A. Public Records 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 requested.
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 by Wayne County Government 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. Deny the request in writing if an appropriate ground applies, such as the following:
 - i. Requestor is not, or has not presented evidence of being, a Tennessee citizen (proof of citizenship is required).
 - ii. The Request lacks a specificity (offer to assist in clarification);
 - iii. An exemption makes the record not subject to disclosure under the TPRA (provide the exemption in the written denial);
 - iv. Wayne County Government is not the custodian of the requested records.
 - v. The record 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 Wayne County Government.
 - e. If requested records are in the custody of a different governmental entity and the PRRC knows the correct government entity and PRRC for that entity of known.
3. The designated PRRC(s) are:

- a. Wayne County Clerk
 - b. Contact Information: Wayne County Courthouse, P.O. Box 848, Waynesboro, TN 38485, 931-722-3653 ext. 2517 or email stan.horton@tn.gov or fax: 931-722-5994.
4. The PRRC(s) shall report to the governing authority every two years basis about the Wayne County Government 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 [OORC PUBLIC RECORDS REQUEST RESPONSE FORM].
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 reasonable 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 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 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.
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 Wayne County Government 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 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. Copies delivered by email or picked up in person only by person on requestor's form.
- 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 prior approval from the Records Custodian at time of request]

- B. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of the records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$10.00, the fees may be waived. [Requests for waivers for fees above \$10.00 must be presented to Public Records Request Coordinator, who is authorized to determine if such waiver is in the best interest of Wayne County Government and for the public good.] [Fees associated with aggregated records requests will not be waived].
- 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: Office with specific statutory copy or document charges may charge according to those statutes (e.g., court clerks per Tenn. Code Ann. § 8-21-401, county clerks per Tenn. Code Ann. § 8-21-701, registers of deeds per Tenn. Code Ann. § -21-1001).
 - 4. Labor when time exceeds one (1) hour.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. No duplication costs will be charged for requests for less than five (5) number of pages that require no redaction.
- F. Payment is to be made by cash or personal check payable to Wayne County Government presented to the records custodian.
- G. Payment in advance will be required.
 - I. Aggregation of Frequent and Multiple Requests
 - 1. Wayne County Government 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. 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 or the records custodian must inform the individuals that they have been deemed to working in concert and that they have the right to appeal the decision to the OORC.

c. Routinely released and ready accessible records excluded from aggregation include, but are not limited to:

1. Wayne County Clerk
2. Wayne County Property Assessor
3. Register of Deeds

