

# PUBLIC RECORDS REQUEST FORM HOUSTON COUNTY

*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: **Houston County and Houston County Archivist, 4725 East Main Street/PO Box 366, Erin, TN 37061; (931)289-3633; fax (931) 289-2799**

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.

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

Date Submitted

Signature of Public Records Request Coordinator and Date Received

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

**PUBLIC RECORD REQUEST RESPONSE FORM  
HOUSTON COUNTY  
4725 EAST MAIN STREET/PO BOX 366  
ERIN, TN 37061  
PHONE: (931) 289-3633 FAX: (931) 289-2799**

DATE: \_\_\_\_\_

TO: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_, our office is taking the action(s)<sup>1</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: \_\_\_\_\_

Being delivered via:  USPS First-Class Main  Electronically  Other: \_\_\_\_\_; or

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) exist or this office does not maintain records(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 estimate copying/production fees.

The following state, federal, other applicable law prohibits disclosure for the requested record(s): \_\_\_\_\_

It is not practicable for the record(s) you requested to be made promptly available for inspection and/or copying because:

It has not yet been determined that record(s) responsive to your request exist: or

The office is still in 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 Houston County or Houston County Archivist at (931)289-3633.

Sincerely,

<sup>1</sup>If all requested records do not have the same response, so indicate.

RESOLUTION

TO ADOPT A PUBLIC RECORDS POLICY FOR HOUSTON 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, HOUSTON County desires to adopt the OORC's model public records policy with the necessary selections;

NOW THEREFORE, BE IT RESOLVED by the HOUSTON County legislative body meeting in Regular session at Erin, Tennessee, on this 15 day of June, 2017, that:

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

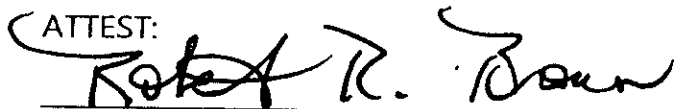
ADOPTED this 15 day of June 2017.

APPROVED:



County Mayor

ATTEST:



County Clerk

POLICY:

MODEL PUBLIC RECORDS POLICY  
PUBLIC RECORDS POLICY  
FOR  
HOUSTON COUNTY

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

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

This Policy is available for inspection and duplication in the office of HOUSTON COUNTY MAYOR. This Policy shall be reviewed annually.

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

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

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 Public Records Request Form at 4725 East Main Street, Erin, TN 37061 or by phone at (931) 289-3633 or fax at (931) 289-2799.

D. Requests for copies, or requests for inspection and copies, shall be made in writing using the Public Records Request Form available at 4725 East Main Street/PO Box 366, Erin, TN 37061.

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.

F. Certain public notices, agendas, minutes, and other public documents are posted on the courthouse bulletin board at 4725 East Main Street, Erin, TN 37061.

## 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 by valid document;
- b. If the records requested are described with sufficient specificity to identify them; and
- c. If Houston County 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, where 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, with recitation of the exemption cited.
- iv. Houston County is not the custodian of the requested records.
- v. The records do not exist.

3. The designated PRRC(s) are:

a. Houston County and Houston County Archivist

b. 4725 East Main Street, Erin, TN 37061; (931) 289-3633; fax (931) 289-2799

4. The PRRC(s) shall report to the governing authority on an annual basis about the Houston County'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
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.

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 Houston County should be determined by either the PRRC or the records custodian. No original records of Houston County shall be removed from the location in which they are maintained for any reason.
- 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. Appointments for inspection shall be made within the normal business hours of the location of the records custodian.

#### 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 but will be allowed to provide to a digital storage device such as a thumb drive or writeable compact disc for receipt of records in digital form.

#### 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.
- B. Records custodians shall provide requestors with an itemized estimate of the charges 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 two dollars (\$2.00), the fees may be waived. Requests for waivers for fees above two dollars (\$2.00) must be presented to County Mayor, who is authorized to determine if such waiver is in the best interest of Houston County 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. \$2.50 per page for maps, photographs, blueprints or other documents larger than legal-sized paper in black and white.
4. \$5.00 per page for maps, photographs, blueprints or other documents larger than legal-sized paper in color.
5. Labor when time exceeds one (1) hour at the record custodian's current rate of pay in hourly increments, rounded to the next highest hour.
6. If an outside vendor is used, the actual costs assessed by the vendor.

E. No duplicate costs will be charged for requests for less than 10 pages.

F. Payments are to be made in cash or by check made out to Houston County Trustee.

G. Payment in advance will be required when costs are estimated to exceed \$50.00.

I. Aggregation of Frequent and Multiple Requests

1. Houston County 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. When aggregating requested records:

a. The level at which records requests will be aggregated is across all departments of Houston County.

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.

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

- i. Agendas of public meetings
- ii. Minutes of public meetings
- iii. Public Notices
- iv. Advertisements for bids
- v. Job Postings
- vi. Other such records as determined by the PRRC

Adopted by the Houston County Legislative Body on this \_\_\_\_\_ day of \_\_\_\_\_,  
2017.