

# **PUBLIC RECORDS POLICY**

## **FOR**

### **MACON COUNTY, TENNESSEE**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for **Macon County, Tennessee** is hereby adopted by the **Macon County, Tennessee Commissioners** 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.

Personnel of Macon County, Tennessee shall timely and efficiently provide access and assistance to citizens of Tennessee 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 Macon County, Tennessee, shall be protected as provided by current law. No public records will be open for inspection or copying if not authorized by T.C.A. 10-7-503 or if excluded by T.C.A. 10-7-504 or any other state or Federal Act. Questions about this Policy should be addressed to the Public Records Request Coordinator for Macon County, Tennessee.

This Policy is available for inspection and duplication in the office of the Macon County Mayor. This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Macon County, Tennessee.

#### **I. Definitions:**

A. *Records Custodian*: The office, official or employee lawfully responsible for the direct custody and care of a public record in his or her office. 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. 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 Public Records Request Form.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Public Records Request Form.
- E. Proof of Tennessee citizenship by presentation of a valid unexpired Tennessee driver's license and a valid unexpired Tennessee voter registration card with a street address are required as a condition to inspect or receive copies of public records.
- F. Macon County, Tennessee is not required to sort through files to compile information or create or recreate a record that does not exist.

## **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 has provided evidence of Tennessee citizenship;
    - b. If the records requested are described with sufficient specificity to identify them
    - c. If Macon 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. Proof of Tennessee citizenship;
      - ii. Form(s) required for copies;

- iii. Fees; 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 Macon County, Tennessee.

3. The designated PRRC is:

- a. Name or title: Guy Holliman, County Attorney
- b. Contact information: P.O. Box 280 Lafayette, TN 37083  
615-666-2172; [guy@farrar-hollimanlaw.com](mailto:guy@farrar-hollimanlaw.com)

B. Records Custodian

- 1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in a reasonable time not to exceed seven (7) business days 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, or counsel. Provided if the request is voluminous or will take a substantial amount of time to produce Paragraph B4 will apply.
- 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.

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 regarding review and redaction of records.
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 as provided by law.
- B. The location for inspection of records within the offices of Macon County, Tennessee shall be determined by the PRRC.
- C. Under reasonable circumstances, the PRRC or a records custodian will require an appointment for inspection or may require inspection of records at an alternate location. All inspections will be during normal working hours and for intervals that do not exceed one (1) hour in a working day and three (3) hours in a work week.
- D. All records will be reviewed in the presence of a record custodian.
- E. No form of duplication is allowed.

**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. Records custodians shall provide requestors with an itemized estimate of the charges, if requested, prior to producing copies of records and shall require pre-payment of such charges before producing requested records.
- B. Fees and charges for copies are as follows:
  - 1. \$0.15 per page for letter- and legal-size black and white copies.
  - 1. \$0.50 per page for letter- and legal-size color copies.
  - 3. Other: Labor is billed at \$13.00 per hour.
  - 4. Labor is charged when time exceeds one (1) hour.
- C. No duplication costs will be charged for requests for less than six (6) pages.
- D. Payment is to be made in cash or by personal check payable to Macon County, Tennessee presented to the records custodian for that department who is compiling the production.
- E. Payment in advance will always be required.
- F. Aggregation of Frequent and Multiple Requests:
  - 1. Macon 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. Rate of Aggregation:

- a. The level at which records requests will be aggregated is any request to a Macon County, Tennessee entity.
- 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. Records requested that are aggregated will be billed as to copies and labor as though the aggregate was a single request.

THIS POLICY ADOPTED BY THE MACON COUNTY  
LEGISLATIVE BODY ON THE 17<sup>TH</sup> DAY OF APRIL, 2017.

## PUBLIC RECORDS REQUEST FORM

*The Tennessee Public Records Act (TPRA) grants only 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 Records Request Coordinator  
Guy Holliman, County Attorney  
P.O. Box 280  
Lafayette, TN 37083  
615-666-2172

**From: Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

**Is the requestor a Tennessee citizen?**  Yes  No

**Request:**  Inspection (Inspected records cannot be photographed or duplicated unless copying is requested. Limited times are available for inspection.)

Copy/Duplicate (Copies are charged at the rate of .15 per copy. The labor costs for accessing, retrieving, searching and copying are billed at the rate of \$13.00 per hr.)

Do you wish to waive your right to an estimate and agree to pay copying and retrieval costs in an amount not to exceed \$\_\_\_\_\_? If so, initial here: \_\_\_\_\_.

**Delivery preference:**  On-Site Pick-Up  USPS First-Class Mail

**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

**PUBLIC RECORD REQUEST RESPONSE FORM  
MACON COUNTY, TENNESSEE**

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

Requestor's Name: \_\_\_\_\_

Requestor's Address: \_\_\_\_\_

Requestor's Phone Number: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_ our office is taking the action(s) indicated below: (date request received)

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: \_\_\_\_\_.

Sincerely,  
Public Record Request Coordinator  
Guy Holliman, County Attorney  
P.O. Box 280  
Lafayette, TN 37083  
615-666-2172