**OFOPENRECORDSCOUNSEL**

**MODELPUBLIC RECORDS POLICY**

**PURPOSE:**

PursuanttoTenn.CodeAnn. §10-7-503(g),everygovernmentalentitysubjecttotheTennessee PublicRecordsAct(“TPRA”)(Tenn.CodeAnn.§10-7-501etseq.),mustestablishawrittenpublic recordspolicyproperlyadoptedbytheappropriategoverningauthoritybyJuly1,2017.Thepolicy adoptedshallnotimposerequirementsonthoserequestingrecordsthataremoreburdensome than state lawand shall include:

 Theprocessfor requesting accesstopublic records and anyrequiredform(s);

 Theprocessfor responding torequests,includingredaction practices;

 A statementofanyfeescharged for copiesofpublicrecords andtheproceduresfor billingand payment;and

 Thenameortitleand contact informationof theindividual orindividualsdesignated as the PublicRecordsRequestCoordinator(s).

Pursuant toTenn.Code Ann.§ 8-4-604(a)(1)(4),theOffice of OpenRecordsCounsel(“OORC”) isrequiredtoestablishamodelbestpracticesandpublicrecordspolicyforusebyarecords custodianin compliance with Tenn.CodeAnn.§ 10-7-503.ThefollowingModelPublicRecords Policyservesasguidanceforrecordscustodiansandtheirrespectivegovernmentalentitiesin developingapublicrecordspolicyandfulfillingtheirdutiesundertheTPRA.TheOORC encouragesandwillprovideassistanceforgovernmentalassociationsandgroupstodevelop model public recordspolicies tailoredto theirspecificgovernmentalentitysubgroup.

**POLICY:**

PUBLIC RECORDS POLICY FOR

THE MARSHALL COUNTY TRUSTEE’S OFFICE

PursuanttoTenn.CodeAnn.§10-7-503(g),the following Public Records Policy for the Marshall County Trustee’s Office is here by adopted by Marshall 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, etseq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, 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 the Marshal County Trustee’s Office are presumed to be open for inspection unless otherwise provided by law.

Personnel of The Marshall County Trustee’s offices hall 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 the Marshall County Trustee’s Office, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator, Marshall County Trustee’s Office, or to the Tennessee Office of Open Records Counsel (“OORC”). Concerns about this policy can also be addressed to the Marshall County Trustee.

This Policy is available for inspection and duplication in the Marshall County Trustee’s Office. This Policy shall be reviewed every two years or as needed.

ThisPolicyshallbeappliedconsistently by the Marshall County Trustee’s Office.

**I.Definitions**:

A.*RecordsCustodian*:Theoffice,officialoremployeelawfullyresponsibleforthedirect custody and careofapublicrecord.See Tenn.CodeAnn.§ 10-7-503(a)(1)(C).The recordscustodian is not necessarilythe original preparer orreceiverof therecord.

B.*PublicRecords*:Alldocuments,papers,letters,maps,books,photographs,microfilms, electronic data processing files and output,films,sound recordings, or othermaterial, regardlessofphysicalformorcharacteristics,madeorreceivedpursuanttolawor

2

ordinanceorinconnectionwiththetransactionofofficialbusinessbyany governmental agency. SeeTenn. Code Ann. §10-7-503(a)(1)(A).

C.*PublicRecordsRequestCoordinator*:Theindividual,orindividuals,designatedin SectionIII,A.3ofthisPolicywhohas,orhave,theresponsibilitytoensurepublic recordrequestsareroutedtotheappropriaterecordscustodianandarefulfilledin accordancewiththeTPRA.SeeTenn.CodeAnn.§10-7-503(a)(1)(B).ThePublic RecordsRequestCoordinator may also bearecords custodian.

D.*Requestor*:A personseekingaccesstoapublicrecord,whetheritis forinspectionor duplication.

**II.RequestingAccesstoPublicRecords**

1. Public record requests shall be made to the PRRC or by email 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.

1. Requests for inspection may be made orally or in writing using the attached Form A at Marshall County Trustee’s Office,1102 Courthouse Annex, Lewisburg, TN 37091orbyphoneat 931-359-4800.

D.Requestsforcopies,orrequestsforinspectionandcopies,shallbemadein writingusingtheattachedFormA and returning the completed Form A to Marshall County Trustee’s Office, 1102 Courthouse Annex, Lewisburg, TN 37091.A copy of this policy will be attached to the form and given to the requestor. Request for copies can also be made by email to mctrustee@marshallcountytn.com.

E.ProofofTennesseecitizenshipbypresentationofavalidTennesseedriver’slicense isrequiredasaconditiontoinspector receive copies ofpublicrecords.

**III.RespondingtoPublicRecordsRequests**

A.Public RecordRequestCoordinator

1.ThePRRCshallreviewpublicrecordrequestsandmakeaninitial determination of thefollowing:

a.IftherequestorprovidedevidenceofTennesseecitizenship(*ifrequired*);

3

b.Iftherecordsrequestedaredescribedwithsufficientspecificityto identifythem;and

c.If theMarshall County Trustee’s Office is the custodian of therecords.

2.ThePRRCshallacknowledgereceiptoftherequestandtakeanyofthe followingappropriateaction(s):

a.Advise the requestor ofthis Policyand the elections maderegarding:

i. ProofofTennessee citizenship;

ii. Form(s) requiredfor copies;

iii. Fees (and labor threshold and waivers,ifapplicable);and

iv. Aggregation of multiple or frequentrequests.

b.Ifappropriate,denytherequestinwriting,providingtheappropriate ground suchasone of thefollowing:

i. Therequestorisnot, or has notpresentedevidence ofbeing,a Tennesseecitizen.

ii. Therequestlacks specificity.

iii. Anexemptionmakestherecordnotsubjecttodisclosureunder the TPRA. (Provide theexemption in writtendenial)

iv. TheGovernmentalEntityisnotthecustodianoftherequested records.

v. Therecordsdonotexist.

c.Ifappropriate,contacttherequestortoseeiftherequestcanbe narrowed.

d.Forwardtherecordsrequesttotheappropriaterecordscustodianin Marshall County Government.

e.Ifrequestedrecordsareinthecustodyofadifferentgovernmental entity,andthePRRCknowsthecorrectgovernmentalentity,advisethe requestor ofthecorrectgovernmentalentityandPRRCforthatentity if known.

3.Thedesignated PRRC for the Marshall County Trustee’s Office:

a.Name ortitle:Kaye Bishop, Chief Deputy

b.Contactinformation: Kaye Bishop, 1102 Courthouse Annex, Lewisburg, TN 37091. Email: [mctrustee@marshallcountytn.com](mailto:mctrustee@marshallcountytn.com). Phone: 931-359-4800

4

4.Kaye BishopPRRC, shallreporttothegoverning authorityonanannualbasis about theMarshall County Trustee’s OfficecompliancewiththeTPRApursuanttothisPolicy andshallmakerecommendations,ifany,forimprovementorchangestothis Policy.

B.Records Custodian

1.Uponreceivingapublicrecordsrequest,arecordscustodianshallpromptly make requestedpublic records availableinaccordancewith Tenn.Code Ann. §10-7-503.If therecordscustodianisuncertainthatanapplicableexemption applies,thecustodian mayconsultwith the PRRC. For questions or clarifications on the TPRA the PRRC should consult the County Attorney.

2.Ifnotpracticabletopromptlyproviderequestedrecordsbecauseadditional time is necessarytodeterminewhether therequestedrecordsexist;tosearch for,retrieve,orotherwisegainaccesstorecords;todeterminewhetherthe recordsareopen;toredactrecords;orforothersimilarreasons,thenarecords custodianshall,withinseven(7)businessdaysfromtherecordscustodian’s receiptoftherequest,sendtherequestoracompletedPublicRecordsRequestResponseFormwhichisattachedasFormB,basedontheformdeveloped bytheOORC.

3.Ifarecordscustodian denies apublic recordrequest, heorsheshalldenythe requestinwritingasprovidedinSectionIII.A.2.busingthePublicRecords RequestResponseForm B.

4.Ifarecords custodianreasonably determinesproductionofrecords shouldbe segmentedbecausetherecordsrequestisforalargevolumeofrecords,or additionaltimeisnecessarytopreparetherecordsforaccess,therecords custodianshallusethePublicRecordsRequestResponseForm Btonotifythe requestorthatproductionoftherecordswillbeinsegmentsandthatarecords productionschedulewillbeprovidedasexpeditiouslyaspracticable.If appropriate,therecordscustodianshouldcontacttherequestortoseeifthe request can be narrowed.

5.Ifarecordscustodian discovers recordsresponsive toarecordsrequestwere omitted,therecordscustodianshouldcontacttherequestorconcerningthe omission and producethe records asquicklyas practicable.

C.Redaction

1.Ifarecordcontainsconfidentialinformationorinformationthatisnotopenfor publicinspection, therecords custodian shall prepare aredactedcopypriorto providingaccess. Ifquestionsariseconcerningredaction,therecords custodianshouldcoordinatewithcounselorotherappropriateparties regardingreviewandredactionofrecords.Therecordscustodianandthe PRRCmayalsoconsult withtheCounty Attorney.

2.Wheneveraredactedrecordisprovided,arecordscustodianshouldprovide therequestorwiththebasisforredaction.Thebasisgivenforredactionshall begeneral in nature andnotdiscloseconfidential information.

5

**IV.InspectionofRecords**

A.Thereshallbenochargeforinspectionofopenpublicrecords.

B.Thelocationforinspectionofrecordswithintheoffice ofMarshall County Trustee’s Office shouldbedeterminedbyeither the PRRC or therecordscustodian.

C.Underreasonablecircumstances,thePRRCorarecordscustodianmayrequirean appointmentforinspectionormayrequireinspectionofrecordsatanalternate location..

**V.CopiesofRecords**

A.Arecordscustodianshallpromptlyrespondtoapublicrecordrequestforcopiesinthe most economic andefficient manner practicable.

B.Copieswillbeavailableforpickup ata location specified by therecords custodian.

C.Uponpaymentforpostage,copieswillbedeliveredtotherequestor’shomeaddress bytheUnitedStatesPostalService.

D.Arequestorwillnotbeallowedtomakecopiesofrecordswithpersonalequipment.

**VI.FeesandChargesandProceduresforBillingandPayment**

A.Fees and chargesforcopies ofpublicrecords should notbeusedtohinderaccessto publicrecords.Nochargeswillbeassessedforcopiesandduplicatesunless the amount exceeds$1.00.

B.Recordscustodiansshallproviderequestorswithan itemizedestimate ofthecharges usingFormAprior to producingcopiesofrecordsandmayrequirepre-paymentof such charges before producing requestedrecords.

C.Whenfeesforcopiesandlabordonotexceed$1.00,thefeesmaybewaived. Requestsforwaiversforfeesabove$1.00 mustbepresentedto the PRRC,whoisauthorizedtodetermineifsuchwaiverisinthebestinterest ofMarshall County Trustee’s Officeandforthepublicgood.

D.Feesandcharges forcopiesareasfollows:

1.$0.15perpagefor letter- and legal-size black andwhitecopies.

2.Labor when time exceeds 1 hour. Labor will becharged at the actual rate of the staff member providing the service.

3. If an outside vendor is used, the actual costs assessed by the vendor.

6

E. Payment is to be made in cash or by personal check payable to Marshall County Government.

F. Payment in advance will be required when costs are estimated to exceed $10.00.

1. Aggregation of Frequent and Multiple Requests
2. Marshall County Trustee’s Officewill not 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).

7

**PUBLICRECORDSREQUESTFORM**

*TheTennesseePublicRecordsAct(TPRA)grantsTennesseecitizenstherighttoaccessopenpublicrecordsthatexistatthetimeoftherequest.TheTPRAdoesnotrequirerecordscustodianstocompileinformationorcreateorrecreaterecordsthatdonotexist.*

**To:** **Marshall County Trustee’s Office**

**From:** Requestor’s Name:

Address

Phone #:

Email Address:

**IstherequestoraTennesseecitizen?**YesNo

**Request:** Inspection (The TPRAdoes notpermit fees orrequirea written requestforinspection onlyi.)

Copy/Duplicate

If costs for copies are assessed, therequestor has aright toreceive anestimate.Do you wish towaive yourright to anestimate and agreeto paycopyingand duplicationcosts in an amount not to exceed$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_? If so, initialhere: \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Deliverypreference:** On-Site Pick-Up Electronic

USPS First-ClassMail

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RecordsRequested:**

Provideadetaileddescriptionoftherecord(s)requested,including:(1)typeofrecord;(2)timeframeor datesfortherecordssought;and(3)subjectmatterorkeywordsrelatedtotherecords.Under theTPRA, recordrequestsmustbesufficientlydetailedtoenableagovernmentalentitytoidentifythespecificrecords sought.Assuch,yourrecordrequestmustprovideenoughdetailtoenabletherecordscustodianresponding tothe requesttoidentifythe specificrecords you areseeking. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Signature ofRequestorand Date Submitted

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Signature ofPublic RecordsRequest Coordinator andDate Received

iNote,Tenn.CodeAnn. §10-7-504(a)(20)(C)permitscharging for redactionof privaterecords of a utility.

8

**PUBLICRECORDREQUESTRESPONSEFORM**

**MARSHALL COUNTY TRUSTEE’S OFFICE**

DATE:

Requestor’s Name and Contact Information:

In responsetoyour recordsrequestreceived on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_],ouroffice is takingtheaction(s)1indicated below:

Thepublicrecord(s) responsive to yourrequest willbemade available forinspection: Location:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date &Time:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Copies of publicrecord(s)responsive toyourrequest are: Attached;

Available for pickup atthefollowinglocation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;or

Beingdelivered via:USPS First-Class Mail ElectronicallyOther:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Your requestis denied onthe followinggrounds:

Your request wasnotsufficientlydetailedtoenable identification ofthe specificrequestedrecord(s). You needto provide additionalinformationtoidentifytherequested record(s).

No suchrecord(s)exists orthis office does not maintain record(s)responsive to your request.

No proofofTennessee citizenship was presented with your request. Yourrequestwillbe reconsidered upon presentation ofan adequateformof identification.

You arenotaTennessee citizen.

You have not paidtheestimated copying/productionfees.

The followingstate,federal, or other applicablelaw prohibitsdisclosure oftherequested records: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

It is notpracticable forthe records you requestedto bemade promptlyavailable for inspection and/or copying because:

It hasnotyetbeen determined thatrecordsresponsive to your request exist;or

The office is still inthe processofretrieving, reviewing, and/or redactingtherequested records.

The time reasonablynecessaryto produce the record(s)or information and/or to make a determination of a proper responseto your requestis: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Ifyou have anyadditionalquestions regardingyour recordrequest, please contactKaye Bishop, PRRC

Sincerely,

1If allrequestedrecordsdonothavethe same response, soindicate.

9

**POLICY CONSIDERATIONS**

TheTennesseeGeneralAssemblydeclaresthattheTennesseePublicRecordsAct(“TPRA”) “shallbebroadlyconstruedtogivethefullestpossibleaccesstopublicrecords.”SeeTenn.Code Ann.§10-7-505(d).Accordingly,unlessthereisaclearexceptionprovidedinlaw,allpublic recordsofagovernmental entity aretobe opentoTennesseecitizensforinspection.

Recordscustodians mustcomply withthe TPRA andtheir respectivepublicrecordspoliciesand rules.Tenn.CodeAnn.§10-7-506(a)grantsrecordscustodianstherighttoadoptandenforce reasonable rulesgoverning themaking ofcopies.

AdherencetotheModelPublicRecordsPolicydevelopedbytheOfficeofOpenRecordsCounsel (“OORC”)isnotmandatory.However,courtsmayconsideradherencetoguidanceprovidedby theOORCindeterminingwhetheradenialofaccesstopublicrecordsby arecordscustodianis willful.SeeTenn.CodeAnn.§10-7-505(g).Additionally,adherencetothepoliciesandguidelines oftheOORCprovidesasafeharborforrecordscustodians.SeetheOORC’sSafeHarborPolicy.

I.TheTPRAauthorizesagovernmentalentitytodeterminethefollowingwithrespecttoeach entity’s public records policy:

A.WhethertorespondtoTPRArequestsbypersonswhoarenotcitizensofTennessee;

B.Whethertorequiregovernment-issuedphotoidentificationasaprerequisiteto providingaccesstorecords;

C.Whether torequirerequests for copiestobe in writing and onaspecificform;

D.Whethertochargeforcopyingandduplicationcosts,includinglabor,whenrequestors askfor copies or duplicates;

E.Whether to waive copyingand duplication costs in certain circumstances;and

F.Whethertopermitrequestorstomakecopiesorduplicatesusingtheirowndevices, suchasacellphonecamera.(Notethatuseofrequestor-provideddevicessuchas flashdrives poseserioussecurityconcerns.)

II.Priortoadoptingapublicrecordspolicy,agovernmentalentityshouldconsideranddetermine the following:

A.Whoorwhatisthe“appropriategoverningauthority”responsibleforapprovalofthe policyas required byTenn.Code Ann.§10-7-503(g).

B.Whoorwhatsub-entitiesoroffices aretobecovered by thepolicy.

C.Whethertherearelegalrequirements,otherthantheTPRA,thatrequirethe governmental entitytoprovide public access to specificrecords.

D.Whatauthority,otherthanthe TPRA,existsforchargingfees forcopiesandwhether itis mandatoryordiscretionary.

1. Ifnoseparate authority existsforduplicationfeesorcopying fees,will feesbe assessedfor copies?

10

2. Willlaborbechargedwhenitexceedsone(1)hour(orwillthegovernmental entityuse a higherthreshold)?

3. Willwaiversbepermitted,andwhoshouldhavetheauthoritytomakethe decision to waive fees?

E.Who,withinthegovernmentalentity,are“recordscustodians,”whicharedefinedas “anyoffice,officialor employeeof anygovernmentalentitylawfullyresponsibleforthe directcustodyand care ofa public record”and whether there isa designated records officer orrecordsarchivist.

F.Whatrecordsthegovernmententitycreatesorreceivesthatarerequiredbylawor ordinance,orthat occurinthetransactionof officialbusiness,that wouldbesubjectto disclosure under theTPRA.

1. Aretherecordsproducedinphysicalorelectronicformatandwherearethey stored or maintained?

2. Ifelectronic,whatcapabilityexiststosearchandtosecurelyelectronically redact therecords?

3. Ifin physicalform, howare therecordsfiled orcross-referenced?

4. If onmicrofilm,microficheorother legacyformats, howare therecordsfiledor cross-referenced?Isequipmentavailable toaccess/readtherecords?

G.What,ifany,exemptionsapplytothegovernmentalentity’spublicrecordsorthe information inthe recordsmaking them confidential.

H.Whatmeansofcommunicationexistforthepublictocommunicatewiththe governmental entity.

I.What arethegovernmental entity’sexisting policies on:

1. Government transparency;

2. Howto respondtoTPRA requests, including whatfees tocharge;

3. Recordsmanagement,including:

a.Retention, maintenance,and destruction;

b.Recordsmade orreceived “off-site” orusingpersonaldevices;and

c.Monitoring of the accessibility and readability ofrecords;

4. Use ofemail andotherelectroniccommunicationand social media;

5. Use of personal devicesin the workplace;

6. Securing of recordsupon thedeparture ofanemployee/official; and

11

7. Disaster recoveryand planning.

J.What resources areavailablefor compliance with the TPRA.

1. Whatspaceis,orwillbe,availabletorequestorsforphysicalinspectionof records?

2. Isasecurecomputerterminal(thatdoesnotallowaccesstoconfidential records)availablefor public inspection ofelectronic records?

3. Whatisthegovernmentalentity’scapabilitytoduplicaterecords?If theentity doesnothaveinternalcapability,arethereexistingcontractswithvendorsor available duplication servicesto respondpromptlyto requests?

4. Whatstaffing andfunding is available?

K.Whatthegovernmentalentityhasorprovidesthatmaycontainorproducerecords accessible pursuant totheTPRA,including:

1. Portable electronic devices suchas cell phones, laptops, or tablets;

2. Voice mail;

3. Email accounts;

4. Websites;and

5. Social mediaaccounts, such as Facebookor Twitter.

L.Whoshould beappointed the PublicRecords RequestCoordinator(s).

1. How will the appointment be disclosed internallyand externally?

2. Whatauthorityexiststorequirerecordscustodianstorespondtothe coordinator?

M.WhetherTennesseecitizenshipwillberequiredforrequestsundertheTPRA,andif so:

1. WillvisualinspectionofaTennesseedriver’slicensesufficeorwillacopybe kept?

2. Whatformsofproofbeyonda Tennessee driver’slicense will be accepted?

N.Whetherrequestswillbeaggregated,whetherbyindividualrequestorsorrequestors actinginconcert.SeetheOORC’sReasonableChargesforFrequentandMultiple RequestsPolicy.

*SubmittedtoACOG*: November 8, 2016 *Effective*: January 20,2017

12