

PUBLIC RECORDS POLICY FOR SUMNER COUNTY, TENNESSEE

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

The TPRA provides that all county 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 Sumner County are presumed to be open for inspection during regular business hours unless otherwise provided by law.

Personnel of Sumner County shall timely and effectively 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 Sumner County, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Sumner County or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the Office of the Sumner County Law Director. This Policy is posted online at www.sumnertn.org. This Policy shall be reviewed annually, in January of each year.

This policy shall be applied consistently throughout the various offices, departments, and/or divisions of Sumner County.

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 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 to the Office of the Law Director, 355 North Belvedere Drive, Suite 303, Gallatin, TN 37066 or by sending a request to email address ben@sumnercountyttn.gov or by phone at 615-451-6060. If a records request is made orally the PRRC may contact the Requestor by email or mail to confirm the exact records requested.
- D. Requests for copies, or requests for inspection and copies shall be made in writing to Office of the Law Director, 355 North Belvedere Drive, Suite 303, Gallatin, TN 37066 or by sending a request by email to ben@sumnercountyttn.gov or by phone at 615-451-6060. If a records request is made orally the PRRC may contact the Requestor by email or mail to confirm the exact records requested.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license or state issued identification card is required as a condition to inspect or receive copies of public records. If a Requestor does not have a state issued identification card other documentation of citizenship may be accepted.
- F. Public Records will generally begin being processed on the date the request is submitted. If a request is submitted outside of business hours, it will be considered submitted as of the date the next business day.
- G. Public notices, meeting information and frequently requested records are posted and readily available on the Sumner County website at www.sumnertn.org.

III. Responding to Public records Requests

A. Public Records Request Coordinator:

1. The PRRC shall review public records requests and make an initial determination of the following:

- a. If the requestor provided evidence of Tennessee citizenship; and
 - 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.
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, if 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;
 - iv. The Governmental Entity is not the custodian of the requested records; or
 - 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 Sumner County.
 - 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 the PRRC for that entity if known.
3. The designated PRRC is:
 - a. Ben Allen, Staff Attorney
 - b. Contact information:
 - i. Address: 355 North Belvedere Drive, Suite 303, Gallatin, TN 37066;
 - ii. Phone Number: 615-451-6060;
 - iii. Fax: 615-451-6061
 - iv. Email: ben@sumnercountyttn.gov

4. The PRRC shall Sumner County is in compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvements 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 as Form A or a written communication all necessary detail.
3. If records Custodian denies a public record request, he or she shall deny the request in a writing of sufficient detail to explain the denial or by 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 in writing or use the Public Records 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 the Law Director.

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 Sumner County 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.

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 \$5.00, the fees may 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 or letter- and legal-size color copies.
 - 3. The cost of labor when time exceeds one (1) hour.

- 4. 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 \$1.00.
- F.** Payment is to be made in cash or by personal check payable to Sumner County.
- G.** Payment in advance will be required [when costs are estimated to exceed ten (10) Dollars].
- H.** Aggregation of Frequent and Multiple Requests
 - 1. Sumner County will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
 - 2. 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.

PUBLIC RECORDS REQUEST FORM

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: Sumner County
Ben Allen, Staff Attorney
355 North Belvedere Drive, Suite 303
Gallatin, TN 37066
615-451-6060
ben@sumnercountyttn.gov

From: Requestor Name: _____
Address: _____

Is the requestor a Tennessee Citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection onlyⁱ.)
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 and Date Submitted

Signature of Public Records Request Coordinator and Date Received

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