

# PUBLIC RECORDS POLICY FOR BLOUNT COUNTY CLERK & MASTER

## I. Definitions

- A. **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, but does not include the device or equipment, including, but not limited to, a cell phone, computer, or other electronic or mechanical device or equipment, that may have been used to create or store a public record or state record; See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- B. **Records Custodian:** The office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record. See Tenn. Code Ann. § 10-7-503(a)(1)(C)
- C. **Public Records Request Coordinator:** The individual, or individuals, designated in Section III, A.3 of this Policy whose role it is to ensure public record requests are routed to the appropriate records custodian and that requests 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 under T.C.A. § 10-7-503.

## 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 accordance with T.C.A. §10-7-503(a)(2)(B).
- B. Requests for inspection only are not required to be made in writing.
- C. Requests for inspection may be made orally or in writing at the office of the Blount County Clerk & Master, 930 East Lamar Alexander Parkway, Maryville, Tennessee 37804.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing in person or by mail at the office of the Clerk & Master's Office, 930 East Lamar Alexander Parkway, Maryville, Tennessee 37804.



- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required prior to, and as a condition to inspect or receive copies of public records.
- F. Any request for inspection or copying of a public record shall be sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying. See Tenn. Code Ann. § 10-7-503(a)(4).

### **III. Responding to Public Records Requests**

#### **A. Public Record Request Coordinator (PRRC)**

1. The PRRC shall review public record requests and make an initial determination of the following:
  - a. If the requestor provided proof of Tennessee citizenship;
  - b. If the records requested are sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying;
  - c. If the requested records will be in need of redaction;
  - d. If the requested records are exempted under state law; and
  - e. If the County is the custodian of the records.
  - f. A governmental entity is not required to sort through files to compile information or to create or recreate a record that does not exist.
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 requirements hereunder:
    - i. Proof of Tennessee citizenship;
    - ii. Fees (and labor threshold and waivers, if applicable);
    - iii. Aggregation of multiple or frequent requests.
  - b. If the request is denied, the denial of the request shall be communicated to the requesting party with the reason for the denial.
  - c. Forward the records request to the appropriate records custodian in Blount County.
3. The designated PRRC is: Clerk & Master's Records Request Coordinator, 930 East Lamar Alexander Parkway, Maryville, Tennessee 37804.

## B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available for inspection in accordance with Tenn. Code Ann. § 10-7-503(a)(2)(B). If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC.
2. In the event it is not practicable for the record to be promptly available for inspection 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 notify the requesting party.
3. If a records custodian denies a public record request, he or she shall explain the reason for such denial.
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 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.

## C. Redaction

1. If a record contains confidential information or information that is exempt from 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 the county's legal counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
2. Costs associated with redacting records, including the cost of copies and staff time to provide redacted copies, shall be borne by the requestor. See Tenn. Code Ann. § 10-7-503(a)(5).
3. The redaction of confidential information shall not constitute the creation of a new record.

## D. Questions

If the PRRC or records custodian have any questions regarding this Public Records Policy, the Tennessee Open Records Act, and/or the exceptions to the Tennessee Open Records Act, the query shall be submitted to the Blount County Attorney.

#### **IV. Inspection of Records**

- A. There shall be no charge for inspection of public records
- B. The location for inspection of records within the offices of the Blount County Clerk and Master shall be determined by either the PRRC or the records custodian.
- C. When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.

#### **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 the office of the records custodian.
- C. If the requestor, after having proved his Tennessee citizenship, desires the records to be mailed to him/her, they shall be mailed upon requestor's payment for postage, via the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment. If the Requestor desires the records to be transferred to an electronic storage device, this may be accomplished upon the Requestor reimbursing the County for the cost of the device and the time required for personnel to accomplish the electronic transfer.

#### **VI. Fees and Charges and Procedures for Billing and Payment**

- A. Records custodians shall provide requestors with an estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- B. Fees and charges for copies are as follows:
  - 1. \$0.50 per page for black and white and color copies pursuant to section 8-21-401(i)(4) of the Tennessee Code Annotated.
  - 2. \$5.00 for making certification and seal pursuant to section 8-21-401(i)(5) of the Tennessee Code Annotated and \$0.50 for each page pursuant to section 8-21-401(i)(4) of the Tennessee Code Annotated for certified copies.
  - 3. The actual cost of any other medium upon which a record/information is being produced.
  - 4. Labor when time exceeds one (1) hour shall be at the rate of \$22.00/hour.
  - 5. If an outside vendor is used, the actual costs assessed by the vendor.

C. Payment is to be made in cash, money order or cashier's check.

D. Payment in advance will be required.

E. Aggregation of Frequent and Multiple Requests

1. Blount 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. If more than four (4) requests are received within a calendar month:

a. Records requests will be aggregated at the records custodian level. A records custodian having the right to aggregate requests must inform the requestor(s) of the determination to aggregate.

b. If the requirements for aggregation are met the records custodian is no longer required to deduct the one (1) hour free labor threshold.

c. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will 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.