

RESOLUTION NO. 8n-0617

TO ADOPT A PUBLIC RECORDS POLICY FOR FRANKLIN COUNTY, TENNESSEE

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, Franklin County desires to adopt the OORC's model public records policy with the necessary selections;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Franklin County, Tennessee, meeting in its regular session on this 19TH day of June, 2017, that:

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

BE IT FURTHER RESOLVED that this Resolution shall take effect upon adoption, the general welfare requiring it.

ADOPTED this _____ day of _____, 2017.

APPROVED:

APPROVED:

Richard Stewart, Mayor

Eddie Clark, Chair of Commission

ATTEST:

Phillip Custer, County Clerk

RESOLUTION SPONSORED BY: Clark and Stines

MOTION TO ADOPT: _____ **SECOND:** _____

VOTES: **AYES:** _____ **NAYS:** _____

DECLARATION: _____

PUBLIC RECORDS POLICY FOR FRANKLIN COUNTY, TENNESSEE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Franklin County, Tennessee (hereinafter referred to as "FCT") is hereby adopted by FCT 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 FCT are presumed to be open for inspection unless otherwise provided by law.

Personnel of FCT 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 FCT, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Franklin County, Tennessee

This Policy is available for inspection and duplication in the office of the County Mayor, 855 Dinah Shore Blvd., Suite 3, Winchester, TN 37398. This Policy shall be reviewed every two years.

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 to the County Mayor, 855 Dinah Shore Blvd., Suite 3, Winchester, TN 37398. The PRRC should request a mailing 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 County Mayor, 855 Dinah Shore Blvd., Suite 3, Winchester, TN 37398.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form at the office of the County Mayor, 855 Dinah Shore Blvd., Suite 3, Winchester, TN 37398.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect or receive copies of public records.

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;
 - 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 (*if proof of citizenship is required*).
 - ii. The request lacks specificity. (Offer to assist in clarification)

- iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - 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 FCT.
 - 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 PRRC for that entity if known.
3. The designated PRRC is:
- a. Name or title: Mayor of Franklin County, Tennessee
 - b. Contact information: Office of the County Mayor, 855 Dinah Shore Blvd., Suite 3, Winchester, TN 37398. Telephone (931) 967-2905.

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_ , based on the form developed by the OORC.
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.
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 FCT 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.
- D. A requester will not be allowed to make copies with personal equipment.

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. No charges will be assessed for copies and duplicates for citizens of Franklin County, Tennessee unless such charges exceed \$25.00.
- 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. 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. Other: otherwise provide by T.C.A
4. Labor when time exceeds three (3) hours.
5. If an outside vendor is used, the actual costs assessed by the vendor.

D. Payment is to be made in cash or by personal check payable to Franklin County, Tennessee and presented to the records custodian.

E. Payment in advance will be required when charges exceed \$50.00.

F. Aggregation of Frequent and Multiple Requests

1. FCT will 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).

2. a. The level of which records will be aggregated is by Agency.

- 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 PRRC.

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: Franklin County, Tennessee, Office of the County Mayor, 855 Dinah Shore Blvd., Winchester, TN 37398 **ATTEN:** Public Records Request Coordinator

From: _____
Name

Mailing Address

Is the requestor a Tennessee citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only¹.)
 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 \$50.00? 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
Received

Signature of Public Records Request Coordinator and Date

¹Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

PUBLIC RECORD REQUEST RESPONSE FORM
FRANKLIN COUNTY, TENNESSEE
Office of the County Mayor
855 Dinah Shore Blvd., Winchester, TN 37398

Dated: _____

TO: _____:
REQUESTER'S NAME/CONTACT INFORMATION

In response to your records request received on _____ our office is taking the
action(s)¹ indicated below: DATE 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: _____

If you have any additional questions regarding your record request, please contact [Records Custodian or Public
Records Request Coordinator].

Sincerely,

Records Custodian or Public Record Request Coordinator
[NAME, TITLE, AND CONTACT INFORMATION]

¹ If all requested records do not have the same response, so indicate.

Department	Records Custodian
County Commission	County Mayor
County Mayor	County Mayor
Election Administration	Election Official
Register of Deeds	Register of Deeds
Planning & Zoning Director	Planning & Zoning Director
County Maintenance	County Mayor
Assessor of Property	Property Assessor
Trustee	Trustee
County Clerk	County Clerk
Finance Department	Finance Director
Circuit Court Clerk	General Sessions Criminal Court Supervisor
General Sessions Court	Administrative Assistant to the Judge
Drug Court	Drug Court Director
Chancery Court Clerk	Clerk & Master
Probation Services	Probation Services Officer
Sheriff Department	Chief Deputy
Emergency Management Agency	Director of Emergency Management
Consolidated Communications	E-911 Director or Assistant Director
Health Department	County Health Dept. Director
Animal Control	Chief Deputy
Senior Citizens	County Mayor
Parks & Recreation	Solid Waste/Parks Director
Agriculture Extension Agency	County Extension Director
Soil Conservation	District Secretary For Soil Conservation Board
Veteran's Service Administration	Administrative Assistant
Industrial Development Board	County Mayor
Library	Library Director
Solid Waste	Solid Waste/Parks Director
Highway Department	Administrative Assistant
School System	Director of Schools