

PUBLIC RECORDS POLICY FOR CARTER COUNTY, TENNESSEE

Pursuant to *Tenn. Code Ann. § 10-7-503(g)*, the following Public Records Policy for Carter County, Tennessee, is hereby adopted by the Board of County Commissioners for Carter County 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 hospital 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 by any citizen unless otherwise provided by state law. See *Tenn. Code Ann. § 10-7-503(a)(2)(A)*. Accordingly, the public records of Carter County, Tennessee, are presumed to be open for inspection unless otherwise provided by law.

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

This policy is available for inspection and duplication in the office of the Carter County Clerk at 801 E. Elk Avenue, Elizabethton, TN 37643. This policy is posted online at cartercountyttn.gov. This Policy shall be reviewed annually.

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

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 records 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 are fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. 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 using the (Public Records Request Form) at the Carter County Finance Department c/o Michael Kennedy – Public Record Request Coordinator, 801 E. Elk Avenue, Elizabethton, TN 37643 or by phone at (423) 542-1803.
- D. Requests for copies or requests for inspection and copies shall be made in writing (using the Public Records Request Form) at the Carter County Finance Department c/o Michael Kennedy – Public Record Request Coordinator, 801 E. Elk Avenue, Elizabethton, TN 37643.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license (or photo ID issued by the federal or Tennessee state government containing a residential address) is required as a condition to inspect or receive copies of public records.
- F. Some commonly requested records are posted on the Carter County website at www.cartercountyttn.gov. These records include public meeting minutes, public notices, and Finance Department information.
- G. Nothing within this policy shall be construed to restrict the ability of each individual elected official or officeholder in his or her sole discretion to produce readily accessible public records to citizens who present in their office(s) without routing requests through the PRRC.

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, labor threshold, and waivers; 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. (Offer to assist in clarification).
 - iii. An exemption make the record not subject to disclosure under the TPRA. (Provide 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 Carter County, Tennessee.
 - 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: Michael Kennedy, Deputy Finance Director
 - b. Contact Information: Carter County Finance Department, 801 E. Elk Avenue, Elizabethton, TN, (423) 542-1803.
- 4. The PRRC may report to the governing authority as requested or necessary about the Governmental Entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement 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 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 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. The records custodian and the PRRC may also consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the request 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 existing public records of which copies are not received.
- B. The location for inspection of records within the offices of Carter County, Tennessee, 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. The records custodian shall promptly respond to a public records request for copies in the most economic and efficient manner practicable.
- B. Copies shall 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. 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. The fees for copies and labor may be waived at the discretion of the office holder from which the records are requested and/or obtained if it is determined that such waiver is in the best interest of Carter County Tennessee, and for the public good.

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 for letter and legal size color copies.
 3. Labor when time exceeds one (1) hour at the hourly rate of the employee(s) who locate, retrieve, review, redact, and reproduce the requested records.
 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in any form currently accepted within the office from which the record is obtained and presented to the records custodian.
- F. Payment in advance may be required at the discretion of the office holder from which the records are requested and/or obtained if it is determined that such requirement is in the best interest of Carter County, Tennessee, and for the public good.

G. Aggregation of Frequent and Multiple Requests

1. Carter County, Tennessee, will aggregate records 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 aggregation policy is as follows:

- a. The level at which records requests will be aggregated is for the entire governmental entity of Carter County, Tennessee.
- 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 individuals that they have been deemed to be working in concert and that they have a right to appeal the decision to the OORC.
- c. Routinely released and readily accessible records may be excluded from aggregation (i.e. Public meeting minutes).