

PUBLIC RECORDS POLICY
FOR
CHEATHAM COUNTY

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

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

This Policy is available for inspection and duplication in the office of the County Mayor. This Policy is posted online at www.cheathamcountyttn.gov.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Cheatham County except the following offices, departments, or divisions of Cheatham County, which have separate public records policies:

- a. Register of Deeds
- b. The Clerk and Master and the Circuit Court Clerk are not covered by this policy for requests of official court records. Request for such records will be made directly to the applicable clerk and fees for copies will be charged as provided by state law.

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. 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 to the PRRC orally or in writing using the attached Form 1 – *Public Records Request Form* at the Office of the County Mayor, 100 Public Square, Suite 105, Ashland City, Tennessee 37015 or by phone at (615) 792-4316, fax at (615) 792-2001, or email at PRRC@cheathamcountyttn.gov.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form 1 – *Public Records Request Form* at the Office of the County Mayor, 100 Public Square, Suite 105, Ashland City, Tennessee 37015 or by phone at (615) 792-4316, fax at (615) 792-2001, or email at PRRC@cheathamcountyttn.gov.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) 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); 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 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 Cheatham 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 PRRC for that entity if known.
- 3. The designated PRRCs are:
 - a. General County Records:

Amber Locke, Director of County Administration
Office of the County Mayor
100 Public Square, Suite 105
Ashland City, Tennessee 37015
Telephone: (615) 792-4316
Fax: (615) 792-2001
Email: PRRC@cheathamcountytn.gov

b. Election Records:

Pam Frejosky
Administrator of Elections
Cheatham County Election Commission
188 John Mayfield Dr., Suite 100
Ashland City, TN 37015
Telephone: (615) 792-5770
Fax: (615) 792-2014
Email: vote@cheathamcountytn.gov

c. County Clerk Records:

Teresa Gupton OR Abby Short
Cheatham County Clerk
354 Frey Street, Suite F
Ashland City, TN 37015
Telephone: (615) 792-5179
Fax: (615) 792-2094
Email:

Teresa.Gupton@tn.gov abby.short@cheathamcountytn.gov

- d. In the event a PRRC receives a record request outside of his/her designated area, the request will be immediately transferred to the appropriate PRRC.
- e. Different PRRCs or additional PRRCs may be designated and this policy will be updated to reflect such change.

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 2- *Public Records Request Response 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 along with information responsive to the request, 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 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 Cheatham 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.
- D. A requestor will be allowed to make up to ten (10) copies of records using the requestor's personal camera or cell phone camera. Requests for more than ten (10) copies will be fulfilled by the records custodian at the rates set out herein.

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. Fees for copies and labor may be waived if approved by the County Mayor and the applicable records custodian based on a determination that such waiver is in the best interest of Cheatham County and for the public good. Fees associated with aggregated records requests will not 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 for letter- and legal-size color copies.
 - 3. Labor when time exceeds one (1) hours.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
 - 6. No duplication costs will be charged for requests for less than eight (8) black and white copies or less than three (3) color copies and an outside vendor is not used.
 - 7. Payment is to be made in cash or money order payable to the records custodian. The PRRC will inform the requestor of the appropriate payee.

8. Payment in advance will be required when costs are estimated to exceed \$75.00.

I. Aggregation of Frequent and Multiple Requests

1. Cheatham 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. When applying aggregation of record requests the following will apply:
 - a. The level at which records requests will be aggregated is all offices and departments of Cheatham County.
 - 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 OORC.
 - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: agendas and meeting minutes of County bodies.