

**PUBLIC RECORDS POLICY
FOR
WILLIAMSON COUNTY**

PURPOSE: Pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act (“TPRA”) (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017. The policy adopted shall not impose requirements on those requesting records that are more burdensome than state law and shall include:

- The process for requesting access to public records and any required form(s);
- The process for responding to requests, including redaction practices;
- A statement of any fees charged for copies of public records and the procedures for billing and payment; and
- The name or title and contact information of the individual or individuals designated as the Public Records Request Coordinator(s).

GOVERNING AUTHORITY: The Williamson County Public Records Commission is the governing authority to promulgate reasonable rules and regulations pertaining to the making, filing, storage, exhibiting, and copying of the reproductions of records authorized by this chapter 10, Section 4 of the Tennessee Code Annotated. *See Tenn. Code Ann. § 10-7-411.*

POLICY:

In accordance with *Tenn. Code Ann. § 10-7-503(g)*, the following Public Records Policy for Williamson County is hereby adopted by the WILLIAMSON COUNTY PUBLIC RECORDS 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.* This policy shall be applied consistently throughout the various offices, departments, and divisions within Williamson County Government who maintain public records, unless otherwise authorized by Tennessee Law or by action of the Williamson County Public Records

The TPRA provides that all state, county and municipal 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 Tennessee citizen, unless otherwise provided by state law. *See Tenn. Code Ann. § 10-7-503(a)(2)(A).* Accordingly, the public records of Williamson County are presumed to be open for inspection unless otherwise provided by law. Access to public records shall be limited to Tennessee citizens.

Personnel of Williamson County shall timely and efficiently provide access and assistance to Tennessee citizens requesting to view or receive copies of public records to the degree required by applicable law. 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 Williamson County, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Williamson County or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the Williamson County Archives and the Williamson County Clerk's Office. This Policy shall be reviewed every two years to ensure continued compliance with applicable law.

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

1. Definitions:

- 1.1 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.
- 1.2 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).
- 1.3 Public Records Request Coordinator or 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.
- 1.4 Requestor: A Tennessee Citizen seeking access to a public record, whether it is for inspection or duplication.

2. Requesting Access to Public Records

- 2.1 Public record requests for copies or to inspect records shall be made to the Public Records Custodian if the records are maintained in the office of the Custodian and is easily assessable and does not involve multiple offices or copies of multiple documents that are not readily available. For all other public records requests, the public official receiving the request shall direct the Requester to the Public Records Coordinator ("Coordinator") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- 2.2 Requests for inspection only cannot be required to be made in writing. The Coordinator should request a mailing or email address from the requestor for providing any written communication required or permitted under the TPRA.
- 2.3 Requests for inspection may be made orally or in writing using the attached Form at the Williamson County Archives located at 611 Main St., Franklin, Tennessee 37064 or by phone at 615-790-5462.
- 2.4 Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form at Williamson County Archives located at 611 Main St., Franklin, Tennessee 37064 or by phone at 615-790-5462.
- 2.5 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.

3. Responding to Public Records Requests

3.1. Duties of the Public Record Request Coordinator

3.1.1. The Coordinator shall review public record requests and make an initial determination of the following:

3.1.1.1. If the requestor provided evidence of Tennessee citizenship;

3.1.1.2 Whether the records requested are described with sufficient specificity to identify them; and

3.1.1.3 Whether the records are County records and, if so, what County office is the custodian of the records.

3.1.2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

3.1.2.1 Advise the requestor of this Policy and ask for proof of Tennessee citizenship; and

3.1.2.2. If the requester asks for copies explain the form that needs to be completed and any fees, if not otherwise waived.

3.1.3 If permitted under this Policy, the Custodian shall inform the requester in writing that the request has been denied and an explanation of the reason why the request is denied, including any one of the following reasons:

3.1.3.1 The requestor is not, or has not presented evidence of being, a Tennessee citizen.

3.1.3.2 The requestor's description of the records is not specific enough to determine what records are being requested.

3.1.3.3 An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)

3.1.3.4 The Governmental Entity is not the custodian of the requested records.

3.1.3.5 The records do not exist.

3.1.4 If appropriate, contact the requestor to see if the public records request can be narrowed.

3.1.5 If known, forward the records request to the appropriate records custodian in Williamson County government.

3.1.6 If requested records are in the custody of a different governmental entity, and the Coordinator knows the correct governmental entity, advise the requestor of the correct governmental entity and Coordinator for that entity if known.

4. The designated Coordinators for Williamson County are:

4.1 For the Sheriff's Department:

4.2 For Williamson County other than the Sheriff's Department:

5. Distributing Public Records Request to the Appropriate Records Custodian:

5.1 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 Coordinator, counsel, or the Office of Records Counsel.

5.2 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 B, based on the form developed by the OORC.

5.3 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.

5.4 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.

5.5 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.

6. Redacting Confidential Information or Information not otherwise subject to the Public Records Act.

6.1 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.

6.2 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.

7. Inspection of Records.

7.1 There shall be no charge for inspection of open public records.

7.2 Under reasonable circumstances, the Coordinator or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. The record Custodian will cooperate with the requestor or schedule a time during regular business hours that is convenient for the requestor

8. Copies of Records.

8.1 A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

8.2 Copies will be available for pickup at a location specified by the records custodian.

8.3 Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

8.4 Copies may be emailed if the records are in electronic format.

8.5 A requestor is not permitted to make copies of records with personal equipment or removing the records to have copied by a third party.

9. Fees and Charges and Procedures for Billing and Payment

9.1 Fees and charges for copies of public records should not be used to hinder access to public records.

9.2 Records custodians shall provide requestors with an itemized estimate of the charges using a form approved by the Williamson County Public Records Commission prior to producing copies of records and may require pre-payment of such charges before producing requested records.

9.3 When fees for copies and labor do not exceed \$1.00 the fees may be waived. Requests for waivers of any fees above must be presented to the Coordinator who is authorized to determine if such waiver is in the best interest of Williamson County and in the public good. Fees associated with aggregated records requests will not be waived.

9.4 Fees and charges for copies are as follows:

9.4.1 \$0.15 per page for letter- and legal-size black and white copies.

9.4.2 \$0.50 per page for letter- and legal-size color copies.

9.4.3 Other fees: A Public Records Custodian may charge higher fees for copies of documents that are on a medium other than 8½ x 11 inch paper or 8½ x 14 inch paper.

9.4.4 Cost of Labor to produce copies. When the total time to fulfill a public records request exceeds 1 hour the records custodian may charge the Requester a labor fee after the Requester is notified of the labor charge.

9.4.4.1 In calculating the charge for labor, a Records Custodian shall determine the number of hours each employee spent producing a request.

9.4.4.2 The Records Custodian shall then subtract the 1 hour threshold from the number of hours the highest paid employee spent producing the request.

9.4.4.3 The Records Custodian will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage.

9.4.4.4 Finally, the Records Custodian will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

9.5 If an outside vendor is used, the actual costs assessed by the vendor.

9.6 Payment is to be made by cash or personal check payable to Williamson County government.

9.7 Payment in advance will be required when total costs exceed \$10.00.

10. Aggregation of Frequent and Multiple Requests.

10.1 Williamson County will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the Coordinator 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.

10.2 The Coordinator is responsible for making the determination that a group of individuals are working in concert. The Coordinator or the records custodian must inform the individuals that they have been deemed to be working in concert.