

**PUBLIC RECORDS POLICY OF CITY OF MEMPHIS AND SHELBY COUNTY COMMUNITY  
REDEVELOPMENT AGENCY**

I. General Policy

A. It is the policy of the City of Memphis and Shelby County Community Redevelopment Agency ("CRA") to:

- 1) Comply with the Tennessee Public Records Act (T.C.A. § 10-7-503; *et seq.*) by permitting the inspection and/or copying of the public records of the CRA;
- 2) Provide any citizen of Tennessee the opportunity to inspect all records of the CRA that are not confidential, exceptions to the Tennessee Public Records Act, or otherwise protected from disclosure by law; and
- 3) Provide citizens of Tennessee the opportunity to copy or have provided to them a copy of records of the CRA that are not confidential, exceptions to the Tennessee Public Records Act, or otherwise protected from disclosure by law for a fee in compliance with the Schedule of Reasonable Charges of the Tennessee Office of Open Records counsel (Attachment 1).

B. It is the intent of this Policy to comply with all state laws and regulations, including Title 8, Chapter 4, Part 6, of the Tennessee Code, the Office of Open Records Counsel, including the Best Practices Guidelines of the Office of Open Records Counsel (Attachment 2), and T.C.A. § 10-7-503. Should it be determined that the requirements of state law conflict with the provisions of this Policy, the state law shall govern as to that requirement.

C. The Public Records Coordinator for CRA shall be the Executive Director, and the Records Custodian shall be the Executive Director.

D. To the extent practicable, records such as agendas and minutes for regularly occurring activities, as well as other documents, shall be posted for viewing and/or copying on the website of the CRA, located at the following link:

<http://www.shelbycountyttn.gov/123/Community-Redevelopment-Agency>.

II. Definitions

In the interpretation and application of this Policy, the following terms mean:

- (1) "Confidential record" is any record, or part of a record, which is defined by the Tennessee Public Records Act, or other state or federal law, as being exempt from public inspection, including, but not limited to, those records listed in T.C.A. § 10-7-504;
- (2) "Labor" means the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing records;

- (3) "Public records or records" means all written or electronically created or stored 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 the CRA or as may further be defined in T.C.A. § 10-7-301(6).

### III. Procedure for Requesting, Inspecting, or Copying Public Records.

- A. Any citizen of Tennessee who has requested access to the CRA's public records is entitled to inspect or copy the public record(s) if such record(s) is not exempt from disclosure. Where part of a public record contains information that is confidential or otherwise exempt from disclosure, that part shall be redacted.
1. Where part of a public record produced is redacted, there shall be an accompanying statement setting forth the basis for such redaction.
  2. When it is reasonably anticipated that a redacted record may be requested in the future, the CRA shall maintain a redacted copy of such public record.
- B. Public records not exempt from disclosure shall be made available promptly for inspection or copying. All requests shall be sufficiently detailed to enable the CRA to identify the specific records to be located or copied.
- C. The CRA shall not require a written request or assess a charge to view a public record, unless otherwise required by law. Upon receiving a request to view or copy a public record, the CRA shall require a requester to present photo identification, if the person possesses photo identification, issued by a governmental entity.
- D. The CRA shall require that any request for copies of public records be made in writing, such request being made in an "Inspection/Duplication of Records Request" (Attachment 3).
- E. The CRA may, in response to a request to view or copy a public record, direct a requester to the location of such document on its website (<http://www.shelbycountyttn.gov/123/Community-Redevelopment-Agency>), though a requester may still exercise the right to inspect and/or copy such record or duplicate thereof, as set forth in this Policy.
- E. Where a prompt turnaround is not practicable, within seven (7) business days the custodian shall
- 1) Make the information available;
  - 2) Deny the request in writing and include the basis for the denial, such denial regarding the request being made in a "Records Request Denial Letter" (Attachment 4); or
  - 3) Furnish the requester with the estimated time that will be reasonably necessary to produce the record or information if it will not be produced within seven (7)

business days, such notification regarding the request being made in a "Records Production Letter" (Attachment 5).

- F. To the extent possible copies shall be made on the copying equipment owned or leased by the CRA. Where the equipment does not exist, is inoperative, is not designed to copy the records requested, or the requester wants the copies in a format the CRA's equipment cannot accommodate, the copies may be made on commercial copying equipment.
- G. The CRA is not responsible for searching through files to compile information or for creating records that do not exist.
- H. When the CRA receives a request for records of so large a volume and reasonably determines that the production of such records should be produced in segments, the requester shall be notified that the production shall occur in segments and that a production schedule will be provided expeditiously.
- I. Should the CRA, after production of what is thought to be all responsive documents, thereafter discovers that records were omitted, the requester shall be made aware and the discovered records be produced as quickly as practicable. Such inadvertent omission shall not be deemed to be a violation of this Policy or of the Public Records Act.

#### IV. Cost of copies.

In compliance with and subject to the requirements of the Schedule of Reasonable Charges (Attachment 1) and Policy Related to Reasonable Charges a Records Custodian May Charge for Frequent and Multiple Requests for Public Records (Attachment 6), the following shall govern charges for copying of public records:

- A. Requesters will retrieve requested records by hand delivery when they return to the CRA office. If the requester requests delivery by means of the United States Postal Service, or through any other delivery means agreed to by the CRA, costs incurred in delivering the copies will be assessed in addition to other permitted charges. The requester shall pay the costs before the copies are provided to the requester. The estimated cost of providing copies requested shall be calculated by the CRA and explained to the requester. Should a requester cancel the public records request, to the extent costs have been incurred by the CRA, the requester shall be responsible for paying the costs incurred. The requester shall have agreed in writing to make the payment as set out in this section and as explained to the requester before the copies are made.

The CRA holds discretion to reduce or waive payment of costs if the requesting party is indigent or if the administrative cost of collecting the payment is greater than the cost of providing the copies. A decision to reduce or waive costs shall be made in such manner so as to be in the best interests of the CRA, shall be in compliance with all federal, state, and local laws, shall be made with complete impartiality and shall not be made in a way to give the appearance of preferential treatment.

- B. Copies Made by the CRA: Requesters shall be charged \$0.15 per page (8 1/2" x 11" or 8 1/2" x 14" paper) for black and white copies. For documents in color, requesters shall be advised that color copies are available at a higher charge than black and white copies. If the requester then requests a color copy, the requester shall be charged \$0.50 per page (8 1/2" x 11" or 8 1/2" x 14" paper). Duplex copies (copies on both sides of a page of paper) are charged as two (2) separate copies. These charges are designed to cover the cost to the CRA for copies of records maintained and provided to requesters. This is a reasonable amount that reflects the cost to the CRA based upon the average cost for the copy machine, paper and supplies, and overhead costs.

The CRA can charge the requester for employee labor that is reasonably necessary to produce the requested records. However, no charge shall accrue for the first one (1) hour incurred by personnel in producing the requested material. Costs are charged based on the hourly wage of the employee(s) (not including benefits). For salaried employees, the hourly wage is determined by dividing the employee's annual salary by the required hours to be worked per year (salary / [52 weeks per year x hours worked per week]). The CRA shall determine the number of hours each employee spent producing a request and then subtract one (1) hour from the highest paid employee. The CRA will then multiply each employee's hourly wage by the total number of labor hours worked by that employee. Finally, the total labor hours for all employees will be added together to determine the total labor amount to charge.

- C. When Copies Cannot Practicably Be Made by the CRA: Where it is not practical or possible for the CRA's copying equipment to prepare the copies of the records requested, the CRA shall immediately notify the requester. The requester may then request that the CRA determine and advise the requester of the estimated cost to commercially reproduce a copy of the records. After the requester pays the estimated commercial reproduction costs, the CRA shall arrange the commercial reproduction of the documents for the requester. The requester shall pay any costs exceeding the estimated cost before the copies are provided to the requester.

Where it is not reasonably possible for the CRA's staff to prepare the copies within the time frame the requester needs, the CRA shall immediately notify the requester. The requester may then request that the CRA determine and advise the requester of the estimated cost to commercially reproduce a copy of the records. After the requester pays the estimated commercial reproduction costs, the CRA shall arrange the commercial reproduction of the documents for the requester. The requester shall pay any costs exceeding the estimated cost before the copies are provided to the requester.

- D. Charges in cases of frequent and multiple requests for public records: As provided by the Policy for Frequent and Multiple Requests, the following shall govern assessment of costs in the cases of frequent and multiple requests for public records. When the total number of requests made by a requester exceeds four (4), the CRA may begin to charge the requester a fee for any all labor that is reasonably necessary to produce the copies of the requested records after informing the requester that the aggregation limit has been reached. Requests, however, for routinely released documents, including agendas for the current month and minutes for the preceding month, shall not be

included in such aggregation. Disputes as to aggregation shall be brought to the Office of Open Records Counsel of the State of Tennessee.

Additionally, the CRA may aggregate the total number of public records requests made by a requester and by any other individual, if the records custodian reasonably believes the requester to be acting in concert with or as the agent of another person, entity, or organization. The records custodian must inform the requesters of such determination to aggregate and that they have the right to appeal the decision to the Office of Open Records Counsel of the State of Tennessee. When aggregating the labor of multiple requesters, the records custodian shall file a Notice of Aggregation of Multiple Requesters (Attachment 7) with the Office of Open Records Counsel of the State of Tennessee.

- E. When large-volume requests are involved, the CRA shall provide the information in the most efficient and cost-effective manner, including but not limited to permitting the requester to provide copying equipment or an electronic scanner when reasonable.
- F. The CRA shall require full payment of all charges prior to production of copies of requested records. In the case of segmented production of records, the payments of charges shall be likewise segmented.
- G. At such time as the Office of Open Records Counsel alters or amends the Schedule of Reasonable Charges and/or the Policy for Frequent and Multiple Requests, this Policy shall be reviewed by the staff of the CRA and counsel to the CRA, who shall recommend changes, if any, of this Policy to the CRA Board.

This Policy is effective as of the date of its approval by the CRA Board, this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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## **ATTACHMENT NO. 1**

## **SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS**

[Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(1) which requires the Office of Open Records Counsel (“OORC”) to establish a schedule of reasonable charges (“Schedule of Reasonable Charges”) which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.) (“TPRA”). The Schedule of Reasonable Charges has a development date of October 1, 2008. Notification of the development was given to the Tennessee Code Commission on October 31, 2008. This Schedule of Reasonable Charges will be reviewed at least annually by the OORC.

The TPRA grants Tennessee citizens the right to request a copy of a public record to which access is granted under state law. Public Chapter 1179 adds T.C.A. Section 10-7-503(a)(7)(A) which expressly prohibits a records custodian from charging a fee for inspection under the TPRA unless otherwise required by law. However, the TPRA in T.C.A. Section 10-7-506 does permit records custodians to charge for copies or duplication pursuant to properly adopted reasonable rules.

This Schedule of Reasonable Charges should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. If a records custodian determines to charge for copies or duplication of public records, such determination and schedule of charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity’s governing authority. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to non-exempt, public records. A records custodian may reduce or waive, in whole or in part, any charge only in accordance with the governmental entity’s properly adopted written policy. Pursuant to Tennessee case law, a records custodian may also require payment for the requested copies or duplication prior to the production of the copies or duplication.

### **Copy Charges**

- A records custodian may assess a charge of 15 cents per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy produced. A records custodian may assess a requestor a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.
- If a public record is maintained in color, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, a records custodian may assess a charge of 50 cents per page for each 8 ½ x11 or 8 ½ x14 color copy produced.
- If a records custodian’s actual costs are higher than those reflected above or if the requested records are being produced on a medium other than 8 ½ x11 or 8 ½ x14

paper, the records custodian may develop its own charges. The records custodian must establish a schedule of charges documenting “actual cost” and state the calculation and reasoning for its charges in a properly adopted policy. A records custodian may charge less than those charges reflected above. Charges greater than 15 cents for black and white, and 50 cents for color, can be assessed or collected only with documented analysis of the fact that the higher charges actually represent such governmental entity’s cost of producing such material; unless there exists another basis in law for such charges.

- The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed an individual requesting records under the TPRA for various purposes. Other statutory provisions, such as T.C.A. Section 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, must be expressly permitted in the adopted policy.

#### Additional Production Charges

- A records custodian shall utilize the most cost-efficient method of producing the requested records.
- Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian’s office to retrieve the requested records. If the requestor chooses not to return to the records custodian’s office to retrieve the copies, the records custodian may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of a records custodian to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- If a records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office, the cost assessed by the vendor to the governmental entity may be recovered from the requestor.
- If the records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed to the governmental entity for retrieval of the records.



## Labor Charges

- “Labor” is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
- “Labor threshold” is defined as the labor of the employee(s) reasonably necessary to produce requested material for the **first hour** incurred by the records custodian in producing the material. A records custodian is not required to charge for labor or may adopt a labor threshold higher than the one reflected above.
- A records custodian is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records above the “labor threshold.” The hourly wage is based upon the base salary of the employee(s) and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee’s annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour work week and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour. Again, a records custodian shall utilize the most cost efficient method of producing the requested records.
- In calculating the charge for labor, a records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. 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. 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.
- Example:  
The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is \$20.00. Employee #1 spends 2 hours on a request. Employee #2 spends 2 hours on the same request. Because employee # 2 is the highest paid employee, subtract the one hour threshold from the hours employee #2 spent producing the request. Multiply the number of hours each employee is able to charge for producing the request by that employee’s hourly wage and then add the amounts together for the total amount of labor that can be charged ( i.e.  $(2 \times 15) + (1 \times 20) = \$50.00$ ). For this request, \$50.00 could be assessed for labor.

Questions regarding this Schedule of Reasonable Charges should be addressed to the OORC.

Office of Open Records Counsel  
505 Deaderick Street, Suite 1600  
James K. Polk Building  
Nashville, Tennessee 37243  
(615) 401-7891, Fax (615) 741-1551 Toll free number: 1-866-831-3750  
Email address: [open.records@tn.gov](mailto:open.records@tn.gov)

**ATTACHMENT NO. 2**

## BEST PRACTICE GUIDELINES FOR RECORDS CUSTODIANS RESPONDING TO REQUESTS FOR PUBLIC RECORDS

In Tenn. Code Ann. Section 10-7-505(d), the Tennessee General Assembly declares that the Tennessee Public Records Act (hereinafter "TPRA") "shall be broadly construed so as to give the fullest possible access to public records." Courts in Tennessee have opined that unless there is a clear exception provided in law, all records of a governmental entity are to be open to citizens for inspection and/or copying. However, these Courts have also acknowledged the ability of records custodians to adopt reasonable rules governing the manner in which records request are to be made and fulfilled.

In an effort to provide records custodians with a resource that can be utilized when responding to public records request made pursuant to the TPRA, the Office of Open Records Counsel (hereinafter "OORC") in conjunction with the Advisory Committee on Open Government (hereinafter "ACOG") has developed "Best Practices Guidelines for Records Custodians Responding to Requests for Public Records." Records custodians must follow the provisions of the TPRA. The guidelines serve as a resource for records custodians, but records custodians are not required to adhere to the guidelines. However, a Court may consider these guidelines in determining whether action by a records custodian is willful [Tenn. Code Ann. Section 10-7-505(g)]. These guidelines will be reviewed at least annually by the OORC.

### Definitions:

Records custodian: the office, official or employee lawfully responsible for the direct custody and care of a public record and is not necessarily the original preparer or producer of the record. A governmental entity may have more than one records custodian.

Public records: defined in Tenn. Code Ann. Section 10-7-503(a)(1): As used in this part and Title 8, Chapter 4, Part 6, "public record or records" or "state record or records" means 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.

Redacted record: a public record otherwise open for public inspection from which protected information has been removed or made obscured prior to release or inspection.

Requestor: a Tennessee citizen requesting access to or a copy of a public record.

Governmental entity or agency: this includes but is not limited to the state, any political subdivision, agency, institution, county, municipality, city or sub-entity. Note, certain associations, non-profits, and private entities are also subject to the TPRA.

Guidelines:

1. To the extent possible, a governmental entity should have a written public records policy properly adopted by the appropriate governing authority. The policy should be applied consistently throughout the various offices, departments, or divisions within a governmental entity; however, when a particular office, department or division has a need for a policy that is distinct from that of the entire governmental entity, a separate policy should be adopted. The policy should include:
  - a. the process for making requests to inspect public records and/or to receive copies of public records (including whether government issued photo ID's are required and whether written requests for copies are required);
  - b. the process for responding to requests (including the use of required forms); and
  - c. whether and when fees will be charged for copies of public records (including establishment of charges pursuant to the Schedule of Reasonable Charges).

The policy should balance the governmental entity's need to function efficiently and to maintain the integrity of records with the public's right to access records pursuant to the TPRA.

2. Whenever possible, one person within each governmental office, department, or division should be designated as the public records request coordinator. This person will ensure that requests made pursuant to the TPRA are routed to the appropriate records custodian and that requests are fulfilled in a timely manner. It is suggested that this individual be knowledgeable about the TPRA, as well as the records management system being utilized and any written public records policy that has been adopted.
3. A records custodian should make requested records available as promptly as possible in accordance with Tenn. Code Ann. Section 10-7-503.
4. A records custodian should strive to respond to all records requests in the most time and cost-efficient manner possible. For example, when labor charges are going to be assessed, qualified staff persons with the lowest hourly wage should be utilized to produce the requested records.
5. To the extent possible, when records are maintained electronically, records custodians should produce large-volume records request electronically. Records should be produced electronically whenever feasible as a means of utilizing the most "cost efficient method of producing" records.
6. If a governmental entity maintains a website, records custodians should post as many records, and particularly records such as agendas and minutes from meetings, on the website whenever it is possible to do so. A records custodian

- may direct a requestor to the website for requested records. However, a requestor may still exercise the right to inspect the public record during regular business hours in the office of the records custodian and/or to receive a copy or duplicate made by the records custodian.
7. Whenever possible and especially in situations where redaction is necessary, once a records request has been completed and there is a reasonable expectation that the same records will be requested in the future, a records custodian should maintain a copy of the redacted records so that any future request can be easily located and copied.
  8. When a records custodian receives a records request for a large volume of records and reasonably determines that production of the records should be segmented, the requestor should be notified that the production of the records will be in segments and that a records production schedule will be provided as expeditiously as possible.
  9. If a records request is made to a records custodian who is not the appropriate custodian of the requested records, the records custodian when denying the request should make the requestor aware of the appropriate records custodian (if known) whenever possible. However, it should be noted that the statutory time frame for responding to the request is not triggered until the request is made by the requestor to the appropriate records custodian.
  10. If a records custodian has provided what is thought to be all records responsive to a public records request and then discovers that records were omitted, the requestor should be made aware of the omission and the records produced as quickly as practicable.
  11. Whenever a record is redacted, a records custodian should provide the requestor with the basis for redaction when the redacted records are provided to the requestor. A records custodian is not required however to produce a privilege log.
  12. Whenever possible, a records custodian should have a designated supervised space available during normal business hours where requestors can inspect public records.
  13. To the extent a records custodian does not have the ability to make copies or duplicates of a requested record, a records custodian should notify the requestor of such and identify the vendor that will be used to produce the requested records, as well as the estimated cost. The inability of a records custodian to internally produce a duplicate or copy of a record does not eliminate the obligation to provide a duplicate or copy if requested.
  14. When a records custodian is unclear as to the records that are being requested, it is suggested that the custodian contact the requestor in an effort to clarify and/or

- narrow the request. If, after attempting to clarify the request, the records custodian is still unable to determine what is being requested, the request should be denied based upon the requestor's failure to sufficiently identify the requested records in accordance with the requirements of the TPRA.
15. For purposes of developing a policy that permits fees, including charging for labor, it is suggested that a governmental entity consider the following:
    - a. whether waivers or reduction of charges will be permitted, based on:
      - (1) number of copies or minimum charge amount; or
      - (2) type of record: whether the requested document is a document that is produced on a regular basis, requested on a regular basis and is easily accessible (i.e. records that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month); and
    - b. whether the administrative cost of documenting fees and processing the payment (including internal controls) exceeds the cost of copying and labor.
  16. Whenever possible, a records custodian should require and receive either full or partial payment of the estimated charges prior to production of copies of the requested records.
  17. If a records custodian is going to segment the production of requested records, the requirement for payment prior to the production of the records also should be segmented.
  18. When a governmental entity has the ability to accept multiple forms of payments, that could include cash, checks, credit or debit cards, and money orders, it is suggested that the governmental entity permit such forms of payment for copies of public records.
  19. A records custodian must provide requestors with an estimate of the charges to be assessed for copies and labor. Whenever possible, a records custodian should provide the estimate prior to producing the requested copies of records and should itemize the estimate.
  20. State records custodians who have questions about how to respond to a records request should contact the Office of Attorney General and Reporter. All other records custodians who have questions about how to respond to a records request should contact the Office of Open Records Counsel.

**ATTACHMENT NO. 3**



## INSPECTION/DUPLICATION OF RECORDS REQUEST

**Requestor Instructions:** To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received. Requestors who are having the records emailed or mailed to him/her are not required to sign and date section 11 of the form.

**Custodian Instructions:** For requests to inspect, the **records custodian** is to fill in sections 1-6,8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

**Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.**

(FRONT)

1. Name of requestor: \_\_\_\_\_  
 (Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:

- Photo ID issued by governmental entity including requestor's address  
 Other: \_\_\_\_\_

3. Requestor's address and contact information: \_\_\_\_\_  
 \_\_\_\_\_

4. Request for:  inspection/access  copy/duplicate [previously inspected on \_\_\_\_\_ (date) or  
 inspection waived]

5. Record(s) requested:

- a. Type of record:  Minutes  Annual Report  Annual Financial Statements  
 Budget  Employee file  Other

b. Detailed Description of the record(s) including relevant date(s) and subject matter:  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Request submitted to: \_\_\_\_\_  
 (Name of Governmental Entity, Office or Agency)

a. Employee receiving request: \_\_\_\_\_  
 (Print or Type and Initial)

b. Date and time request received: \_\_\_\_\_

c. Response:  Same day  Other \_\_\_\_\_

7. Costs (if assessed):

- a. Number of pages to be copied: \_\_\_\_\_  Estimated  
 b. Cost

(1) per page letter or legal sized:  \$\_\_\_\_ (justification required if more than \$0.15) per black and white  \$\_\_\_\_ (justification required if more than \$0.50) per color;

(2) per page other sized or other medium \_\_\_\_\_:  \$\_\_\_\_ (justification required)



Costs continued:

- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): \_  
 \_\_\_\_\_ Labor at \$ \_\_\_\_\_/hour  
 for \_\_\_\_\_ hour(s).  
 Labor at \$ \_\_\_\_\_/hour for \_\_\_\_\_ hour(s). Labor at \$ \_\_\_\_\_/hour  
for \_\_\_\_\_ hour(s).
- d. Programming cost to extract information requested: \_\_\_\_\_
- e. Method of delivery and cost:  \_\_\_\_\_ Estimated  
 On-site pick-up U.S. Postal Service Other: \_  
\_\_\_\_\_
- f. Estimate of total cost to produce request: \_\_\_\_\_
- g. Estimate provided to requestor: in  person by  U.S.P.S. by  phone Other: \_

8. Payment:

- a. Form of payment:  Cash  Check Other\_
- b. Amount of payment: \_
- c. Date of payment: \_
- d. Actual cost (and adjustment if prepaid):\_

9. \_\_\_\_\_ -  
\_\_\_\_\_  
Signature of Requestor Date Records Requested

10. \_\_\_\_\_ -  
\_\_\_\_\_  
Signature of Records Custodian Date of

Receipt of Request Delivery/Retrieval of Records

11. \_\_\_\_\_  
Signature of Requestor Date Records Retrieved

12. \_\_\_\_\_  
Signature of Records Custodian Date Records  
Retrieved/Delivered

Or

\_\_\_\_\_  
Date Records Inspected by the  
Requestor

**ATTACHMENT NO. 4**



RECORDS REQUEST DENIAL LETTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir or Madam:

On \_\_\_\_\_, \_\_\_\_\_ received  
your open records request to inspect/receive copies of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

After reviewing the request, this Office is unable to provide you with either all or part of the requested record(s). The basis for this denial is:

- No such record(s) exists.
- This office does not maintain record(s) responsive to your request.
- Additional information is needed to identify the requested record(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following law (citation and brief description why access denied):

- Tenn. Code Ann. Section: \_\_\_\_\_
- Court Rule: \_\_\_\_\_
- Common Law Provision: \_\_\_\_\_
- Federal Law (HIPAA, FERPA, etc.): \_\_\_\_\_

If you have any additional questions please contact \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_

**ATTACHMENT NO. 5**



## RECORDS PRODUCTION LETTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Sir or Madam:

On \_\_\_\_\_, \_\_\_\_\_ received  
your open records request to inspect/receive copies of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information. [emphasis added]**

This Office is currently in the process of retrieving, reviewing, and/or redacting the requested records. In accordance with the above-cited law, this letter is being sent to inform you that by \_\_\_\_\_ either the records you have requested to inspect/receive copies of will be available or a determination of accessibility and availability will be made regarding the requested records.

If you have any additional questions please contact \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_

Records Production Letter  
Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii)

**ATTACHMENT NO. 6**

POLICY RELATED TO REASONABLE CHARGES A RECORDS CUSTODIAN MAY CHARGE FOR FREQUENT AND MULTIPLE REQUESTS FOR PUBLIC RECORDS

[Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(2) which requires the Office of Open Records Counsel (“OORC”) to establish a separate policy related to reasonable charges which a records custodian may charge for frequent and multiple requests for copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503 et seq.) (“TPRA”). This Policy will be reviewed at least annually by the OORC.

This Policy is to be used in connection with the Schedule of Reasonable Charges dated October 1, 2008. This Policy should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. However, if the records custodian does determine to impose charges for copies or duplication, this Policy permits the records custodian to calculate labor charges differently for frequent and multiple requests.

If a records custodian determines to charge for frequent and multiple requests for copies or duplication of public records in accordance with this Policy, such determination and charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity’s governing authority. The authority shall specify the level of aggregation (whether by agency, entity, department, office or otherwise); however, such level of aggregation, as well as excessive fees and other rules shall not be used to hinder access to non-exempt public records. A records custodian may reduce or waive, in whole or in part, any charge only in accordance with the governmental entity’s properly adopted written policy.

The Schedule of Reasonable Charges provides that a records custodian may assess a requestor a fee for any labor reasonably necessary to produce copies of requested records after the records custodian spends one (1) hour (or if the records custodian establishes a threshold higher than one (1) hours, any increment of time over that higher threshold) producing the requested records. For purposes of this policy, during each calendar month records custodians in any department, division, agency, bureau, board, commission or other separate unit of state, county, or municipal government as authorized by the appropriate governing authority may aggregate the number of requests for copies made per requestor. When the total number of requests made by a requestor within a calendar month exceeds 4, a records custodian may begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month, are exempt from this policy. A records custodian may adopt a labor threshold higher than one (1) hour or a threshold higher than four (4) requests per calendar month for purposes of aggregation. Disputes as to aggregation shall be brought to the Office of Open Records Counsel.

Additionally, a records custodian may aggregate the total number of public records requests made by a requestor and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization. A records custodian choosing to aggregate requests by multiple requestors must inform the requestors of the determination to aggregate and that they have the right to appeal the decision to aggregate to the Office of Open Records Counsel. When aggregating the labor of multiple requestors, the records custodian must file a Notice of Aggregation of Multiple Requestors with the Office of Open Records Counsel. This form is available on the Office's website.

*Revised December 7, 2010*



**ATTACHMENT NO. 7**

# NOTICE OF AGGREGATION OF MULTIPLE REQUESTORS



Mail completed form to:

Office of Open Records Counsel  
Suite 1600, James K. Polk State Office Building  
505 Deaderick Street  
Nashville, Tennessee 37243  
(615) 741-1551 (fax) or [Open.records@state.tn.us](mailto:Open.records@state.tn.us) (e-mail)

Records Custodian: \_\_\_\_\_

(Name of Governmental Entity, Office or Agency)

Employee/official authorizing aggregation: \_\_\_\_\_

(Name and title)

Address and phone number: \_\_\_\_\_

Other Offices or Custodians included in aggregation: \_\_\_\_\_

(\_\_\_\_\_) of Requestors being aggregated:

(Number)

Requestor's name, address and contact information:

\_\_\_\_\_  
\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_  
\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_  
\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_  
\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_  
\_\_\_\_\_

Requestor's name, address and contact information:

\_\_\_\_\_  
\_\_\_\_\_

Explanation of basis for aggregation and description of scope (records included/excluded):

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Requestors have been notified that a properly adopted aggregation policy exists, that the decision to aggregate has been made, and that there is a right to appeal the decision to the Office of Open Records Counsel.

\_\_\_\_\_  
Signature of Records Custodian, date

\_\_\_\_\_  
Signature of Requestor, date

\_\_\_\_\_  
Signature of Requestor, date

\_\_\_\_\_  
Signature of Requestor, date

\_\_\_\_\_  
Signature of Requestor, date