

PUBLIC RECORDS POLICY

Policy: TRP-0015
Effective: July 1, 2017



Tennessee Department of Treasury

Authority:	T.C.A. § 10-7-501 <i>et. seq.</i>
Approved By:	David H. Lillard, Jr., Tennessee State Treasurer
Signature:	/s/ David H. Lillard, Jr., June 21, 2017

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the State of Tennessee Department of Treasury (the "Department") is hereby adopted by the State Treasurer 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 the Department are presumed to be open for inspection unless otherwise provided by law.

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

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Department. It shall be reviewed annually and is available for inspection and duplication in the office of the Department. The Policy is posted online at <http://www.treasury.state.tn.us/index.html>.

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 in person or by telephone, fax, mail, or email. For requests made in writing, the requestor shall use the attached Public Records Request Form. Requests for inspection should be directed to the Department's PRRC as follows:

Assistant Treasurer - Legal, Compliance and Audit
Tennessee Department of Treasury
Andrew Jackson State Office Building
502 Deaderick Street
Nashville, Tennessee 37243
Phone: (615) 253-3853
Fax: (615) 770-7554
Email: Treasury.PublicRecordsRequest@tn.gov

- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Public Records Request Form. Requests for copies may be made in person or by mail, fax or email. Requests for copies should be directed to the Department's PRRC as follows:

Assistant Treasurer - Legal, Compliance and Audit
Tennessee Department of Treasury
Andrew Jackson State Office Building
502 Deaderick Street
Nashville, Tennessee 37243
Phone: (615) 253-3853
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- E. Proof of Tennessee citizenship by presentation of a government-issued photo identification that includes the requestor's address is required as a condition to inspect or receive copies of public records. To the extent that the requestor cannot provide a government-issued photo identification, the PRRC may accept an alternative form of identification. The PRRC may waive the requirement of having the requestor present a government-issued photo identification if the requestor has previously provided proof of Tennessee citizenship or if it can be verified that the requestor is a Tennessee citizen by information contained in the public domain.

- F. Public notices, meeting documents, and other records are posted and readily available on the Department of Treasury's website found at <http://www.treasury.state.tn.us/>

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 required for copies;
 - iii. Fees; 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.
 - iii. An exemption makes the record not subject to disclosure under the TPRA. The exemption should be identified in the 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 the Department.

- 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. Title: Assistant Treasurer - Legal, Compliance and Audit
- b. Contact information: Tennessee Department of Treasury
Andrew Jackson State Office Building
502 Deaderick Street
Nashville, Tennessee 37243
Phone: (615) 253-3853
Fax: (615) 770-7554
Email: Treasury.PublicRecordsRequest@tn.gov

4. This Policy will be reviewed on an annual basis for changes in the law. As necessary, the PRRC will report to the State Treasurer about the Department'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 other similar reasons, then a records custodian or counsel shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Record Request Response Form which is attached to this Policy.
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 Record 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 Record 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 or with the Office of Attorney General and Reporter.
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 the Department should be determined by either the PRRC or the records custodian.
- C. In order to inspect records pursuant to a public records request, the requestor must schedule an appointment with the PRRC or the records custodian to inspect the requested records.
- D. In the event that the requestor views the requested records by personal inspection, the requestor will not be allowed to make copies of the personally inspected records with his or her own personal equipment.

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 or other acceptable address within Tennessee by the United States Postal Service.
- D. The Department may deliver electronic copies by secure e-mail.

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 using the Public Record Request Response Form prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$10.00, the fees may 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 2 hours.
 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Duplication costs will be charged for paper copy requests more than \$10.00.
- F. Payment is to be made cashier's check or money order payable to Treasurer, State of Tennessee, presented to the records custodian.
- G. Payment in advance will be required unless the fees are waived.
- H. Aggregation of Frequent and Multiple Requests
1. The Department 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).
 - a. Records requests will be aggregated at the Department level.
 - 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.

VII. Failure to Inspect or Pay for Copies

- A. If a requestor makes two (2) or more requests to view a public record within a six-month period and, for each request, the requestor fails to view the public record within fifteen (15) business days of receiving notification that the record is available to view, the Department is not required to comply with any public records request from the requestor for a period of six (6) months from the date of the second request to view the public record unless the Department determines failure to view the public record was for good cause.
- B. If a requestor makes a request for copies of a public record and, after copies have been produced, the person fails to pay to the Department the cost for producing such copies, the Department is not required to comply with any public records request from the requestor until the requestor pays for such copies; provided, that the requestor was provided with an estimated cost for producing the copies in accordance with this Policy prior to producing the copies and the requestor agreed to pay the estimated cost for such copies.