Public Records Policy
For
County Clerk of
Rutherford County, Tennessee

Note: This public records policy is specific to records maintained within the Rutherford County Clerk's Office only. For records maintained in other county and city offices, please defer to those particular Public Records Request Coordinators/Custodians.

Nothing in this policy shall abridge or interfere with the obligations of the County Clerk to receive and record documents and provide copies as required under law applicable to the office of the Rutherford County Clerk.

Pursuant to Tennessee Code Annotated §10-7-503 (g), the following Public Records Policy for the Office of the County Clerk of Rutherford County, Tennessee is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tennessee Code Annotated §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 inspection 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 provided by state law. *See* Tenn. Code Ann. §10-7-503(a)(2)(A). Accordingly, the public records of Rutherford County Clerk, Tennessee are presumed to be open for inspection unless otherwise provided by law.

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

Routine public record requests for documents which are normally completed within a regular business day, may be requested directly to the County Clerk's Office and fulfilled immediately without going through the process set forth in this policy. A description of these services can be located at http://rutherfordcountytn.gov/countyclerk. For all other records request, please defer to the guidelines detailed in this policy. This policy is available for inspection and duplication in the office of the Rutherford County Clerk and is posted online at the Rutherford County Clerk website at: http://rutherfordcountytn.gov.countyclerk/index.htm.

This policy shall be renewed every two years.

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, micofilms, electronic date processing files and output, films, sound recording, 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 an governmental agency. *See* Tenn. Code Ann. §10-7-503(a)(1)(A).

C. Public Records Coordinator: The individual, or individuals, designated in Section III, A. 3 of this policy who has, or have, the responsibility to insure public records 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 insure public records 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 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 attached Form "1") at 319 North Maple Street Room 121, Murfreesboro, TN 37130, or by phone at (615)898-7800. The request may also be submitted by email as follows: countyclerk@rutherfordcountytn.gov.

D. Requests for copies, or requests for inspection and copies, shall be made in writing utilizing the form attached as Form "1" at 319 North Maple Street Room 121, Murfreesboro, TN 37130. The form attached shall be required for any request seeking copies as permitted by Tennessee Code Annotated §10-7-503 (g).

E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID validating Tennessee

citizenship) is required as a condition to inspect or receive copies of public records.

F. Some documents of Rutherford County government are posted in various locations at its website located at www.rutherfordcountytn.gov.

III. Responding to Public Records Requests:

A. Public Records Request Coordinator (PRRC).

1. The PRRC shall review public records request and make an initial determination of the following:

    a. If the requestor provided evidence of Tennessee citizenship;
    b. That 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, if applicable);
        (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; (Example: Book and page not specified)
        (iii) an exemption makes the record not subject to disclosure under the TPRA (provide the exemption written denial);
        (iv) the governmental entity is not the custodian of the requested records; or
        (v) the records do not exist.
        (vi) the office does not provide title searches. We can not for example, search for all liens or restrictions on a property.
    c. If appropriate, contact the requestor to see if the request can narrowed.

d. Forward the records request to the appropriate custodian in the appropriate governmental department in order to obtain the appropriate records.

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 (are):

d. Lisa Crowell
Rutherford County Clerk
319 North Maple Street, Room 121
Murfreesboro, TN 37130
615-898-7800 phone
615-217-6597 fax
countyclerk@rutherfordcountytn.gov

4. The PRRC shall report to the governing authority on an annual basis 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 connection with Tennessee Code Annotated §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, or 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, based on the form developed by the OORC.

3. If a records custodian denies a public records 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.

6. The designated Records Custodian is (are):

a. Amy Wells
319 North Maple Street Room 121
Murfreesboro, TN 37130
615-898-7800 phone
615-217-6597 fax
awells@rutherfordcountytn.gov

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 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 the inspection (without copies) of open public records on site.

B. The location for inspection of records within the offices of Rutherford County, Tennessee County Clerk is:

319 North Maple Street, Room 121, Murfreesboro, TN 37130. Records are available for inspection during business hours which are Monday through Thursday 8am to 4pm and on Friday 8am to 5pm. Exceptions would be for all holidays on the Rutherford County annual holiday schedule available on the county website and with prior notice of office closure.

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. If an appointment is needed, it must be during regular business hours.

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 requester will not be allowed to make copies of records with personal equipment. A requestor will not be allowed to make photographs of records with a telephone or other camera or photo taking device.

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 may provide requestors with an itemized estimate prior to producing copies of records and may require prepayment of such charges before producing requested records.

C. When fees for copies and labor do not exceed $1.50, the fees may be waived.

D. Fees and charges for copies are as follows:

1. $.50 per page for letter and legal size black and white copies.
2. No charge for copies sent by email (Limit of three pages).
3. $2.00 per page and $2.00 for each seal for certified copy of letter and legal size b/w copies.
4. "Labor" when time exceeds one (1) hour. "Labor" is the time (in hours) reasonably necessary to produce requested records, including

the time spent locating, retrieving, reviewing, redacting, and reproducing records.

5. If an outside vendor is used, the actual cost assessed by the vendor.

E. Payment is to be made in cash, personal check payable to Rutherford County Clerk, money order, credit or debit card presented to the records custodian or PRRC, as appropriate.

F. Payment in advance will be required.

G. The records custodian may charge its actual out-of-pocket costs for flash drives or similar style devices on which electronic copies are provided.

H. Aggregation of frequent and multiple requests.

1. Rutherford County, Tennessee will aggregate record 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. If aggregating:
    a. The level at which records requests will be aggregated is four (4) requests within a calendar month (whether by agency, entity, department, office or otherwise).
    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. Some routinely released and readily accessible records may be excluded from aggregation.

Lisa Crowell
Rutherford County Clerk
319 North Maple Street
Murfreesboro, TN 37130
615-898-7800 ext. 2

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