

**AMENDED AND RESTATED PUBLIC RECORDS POLICY
FOR
RUTHERFORD COUNTY, TENNESSEE**

Pursuant to Tennessee Code Annotated §10-7-503(g), the following Public Records Policy for Rutherford County, Tennessee is hereby adopted by the Rutherford County Board of Commissioners 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, Tennessee are presumed to be open for inspection unless otherwise provided by law.

Personnel of Rutherford County, Tennessee 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, Tennessee or to the Tennessee Office of Open Records Counsel (“OORC”).

This policy is available for inspection and duplication in the office of the Rutherford County Human Resources Department. This policy is posted online at www.rutherfordcountyttn.gov. This policy shall be renewed every two (2) years.

Except as provided below, this policy shall be applied consistently throughout the various offices, departments, and/or divisions of Rutherford County, Tennessee. Elected officials may have their own Open Records Policies, in which case this policy shall not apply. Any elected official’s office that has not adopted its own policy shall, by default, be covered by this policy. In addition to any other elected official, court clerk, department or office that adopts its own policy, the following offices, departments, or divisions of Rutherford County, Tennessee, are excluded from this policy and have separate public records policies: Office of the Rutherford County Property Assessor, the Rutherford County Register of Deeds, the Rutherford County Clerk, the Chancery Court Clerk and Master, the Circuit Court Clerk, the Office of the Juvenile Court Clerk, and General Sessions Court Clerk.

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 a 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 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 ensure public records requests are routed to the appropriate records custodian and fulfilled in a timely manner. If the office of an elected official has their own Open Records Policy, then a public records request that relates to that office should be made directly to that office.

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 orally or in writing (using the attached Form “1”) at the Rutherford County Human Resources Department, 303 N. Church St., Suite 200, Murfreesboro, TN 37130, by phone at (615) 494-4480, or by fax at (615) 907-5699. The request may also be submitted by email as follows: records@rutherfordcountyttn.gov. If a public records request is made that relates to the office of an elected official that has their own Open Records Policy, then the requestor will be directed to make the request to that office.

D. Requests for copies, or requests for inspection and copies may be made in person, by mail, email or fax and shall be made in writing utilizing the form attached as Form “1.” Any in person request shall be presented at the Rutherford County Human Resources Department, 303 N. Church St., Suite 200, Murfreesboro, TN 37130. Any emailed request shall be sent to records@rutherfordcountyttn.gov. Any faxed request shall be sent to (615) 907-5699. The form attached shall be required for any request seeking copies as permitted by Tennessee Code Annotated §10-7-503(g). If a public records

request is made that relates to the office of an elected official that has their own Open Records Policy, then the requestor will be directed to make the request to that office.

E. Proof of Tennessee citizenship by presentation of a valid government issued photo identification card that includes an address (such as a Tennessee driver's license) (or alternative acceptable form of photo 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.rutherfordcountyttn.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); 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 (provide the exemption in written denial);

(iv) the governmental entity is not the custodian of the requested records; or

(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 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:

a. Name or Title: Rutherford County Chief of Human Resources.

b. Contact Information:

Address: 303 N. Church St., Suite 200
Murfreesboro, TN 37130

Phone No.: (615) 494-4480

Fax No.: (615) 907-5699

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 which is attached as Form "2", 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.

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.

B. The location for inspection of records within the offices of Rutherford County, Tennessee should be determined either by 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. 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 coordinator.

C. Upon payment for postage, copies will be delivered to the requestor's home/business address by the United States Postal Service or by email.

D. A requestor will be allowed to make up to 10 copies of records with personal equipment. A requestor will be allowed to make photographs of records with a telephone, smart device, other camera or photo taking device. If copies are required for redaction, then fees may/may not still apply under Section IV, as may be applicable, or based on guidance from the Tennessee Office of Open Records Counsel.

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, unless waived, 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. \$0.15 per page for letter-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) hour. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records. "Labor" charges, when assessed, shall be

based upon the Schedule of Reasonable Charges promulgated by the OORC, as may be amended from time to time.

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

5. Any applicable shipping or postage.

E. No duplication costs will be charged for requests for less than 10 black and white pages or 3 color pages, but labor charges may still apply as applicable.

F. Payment is to be made in cash or by personal check payable to Rutherford County General Fund presented to the records custodian or PRRC, as appropriate.

G. Payment in advance will be required.

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

I. 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.

Reviewed and Approved by the Open Records Counsel 12/13/23