

Policies and Procedures

Policy Number:	1-3-14
Subject:	Public Records
Effective Date:	May 5, 1993
Modification Date:	August 28, 2019
Application:	All Employees

I. PURPOSE

This Public Records Policy is hereby adopted by the Tennessee Alcoholic Beverage Commission ("TABC") 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, 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 TABC are presumed to be open for inspection unless otherwise provided by law. Certain exemptions are set forth in Section IV of this policy.

Personnel of the TABC shall timely and efficiently provide access and assistance to persons who request 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 TABC, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the TABC.

This Policy and applicable forms are available for inspection and duplication in any TABC office that is open to the public and are posted online at <https://tn.gov/abc/>.

II. 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 Coordinator: The individual, or individuals, designated in Section IV 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.

III. 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 fulfilled in a timely manner.
- b. Requests for inspection need not be made in writing. The PRRC may request an email address or mailing address from the requestor in order to provide any written communication required under the TPRA
- c. Requests for inspection may be made orally or in writing using the attached Form and shall be submitted to the PRRC at the address or telephone number below.
- d. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form and submitted via email at TABC.PublicRecords@tn.gov or by mail or in person at: Davy Crockett Tower, 500 James Robertson Parkway, 3rd Floor, Nashville, Tennessee 37243.
- e. Commission agendas, meeting minutes, citation lists, and other public information are routinely posted on the TABC website at <https://tn.gov/abc/>

IV. RESPONDING TO PUBLIC RECORDS REQUESTS

- a. Public Records Request Coordinator
 - 1. The PRRC shall review public record requests and make an initial determination of the following:
 - A. If the records requested are described with sufficient specificity to identify them; and
 - B. If the TABC 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. Form(s) required for copies;
 - ii. Fees; and
 - iii. 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 request lacks specificity.
 - ii. An exemption makes the record not subject to disclosure under the TPRA. Applicable exemptions include, but are not limited to, the following: certain personnel records and law enforcement records, open criminal investigative files, proprietary information, tax information, and personally identifying information.
 - iii. The TABC is not the custodian of the requested records.
 - iv. The records do not exist.
 - C. If appropriate, contact the requestor to see if the request can be narrowed.
 - D. 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:

Sean Atkins
Davy Crockett Tower
500 James Robertson Parkway, 3rd Floor
Nashville, Tennessee 37243
615-253-1352(direct) 615-741-1602 (main office line)
TABC.PublicRecords@tn.gov



b. Records Custodian

1. Upon receiving a public records request, a records custodian (or designee) 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 shall, within seven (7) business days from the date of receipt of the request, send the requestor a completed Public Records Request Response Form.
3. If a records custodian denies a public record request, the denial shall be in writing as provided in Section IV 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.



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.

V. INSPECTION OF RECORDS

- a. There shall be no charge for inspection of open public records; however, the TABC staff may require an appointment for record inspection under reasonable circumstances.
- b. The location for inspection of records within the offices of the TABC should be determined by either the PRRC or the records custodian.

VI. 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. Upon payment, if required, copies will be available for pickup at a location specified by the records custodian, at the TABC headquarters in Nashville, delivered by mail to the requestor's home address or via email.
- c. A requestor will not be allowed to make copies of records with personal equipment.

VII. 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. No charges will be assessed for copies unless the total cost of the request exceeds \$5.00. Fees may be waived if it is in the best interest of the agency and the public good.
- b. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and shall require pre-payment of such charges before producing requested records.
- c. 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 one hour.
 4. If an outside vendor is used, the actual costs assessed by the vendor.
- d. Payment is to be made in the form of business check, money order, or cashier's check payable to the Tennessee Alcoholic Beverage Commission, 500 James Robertson Parkway, 3rd Floor, Davy Crockett Tower, Nashville, Tennessee 37243.
- e. Payment in advance shall be required before copies are released.
- f. Aggregation of Frequent and Multiple Requests
1. The TABC 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).
 2. The level at which records requests will be aggregated is by agency.
 3. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC, records custodian or his or her designee, 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.