

PUBLIC RECORDS POLICY
FOR
THE OFFICE OF TENNESSEE ATTORNEY GENERAL

Pursuant to Tenn. Code Ann. § 10-7-503(g), the Tennessee Attorney General adopts the following Public Records Policy for the Office of Tennessee Attorney General in order to provide economical and efficient access to public records as provided under the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-503 *et seq.* (“TPRA”).

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. Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Office of Tennessee Attorney General are presumed to be open for inspection unless otherwise provided by state law.

Personnel of the Office of the Tennessee Attorney General shall provide access and assistance to Tennessee citizens 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 Office of Tennessee Attorney General shall be protected as provided by current law. Concerns about this Policy may be addressed to the Public Records Request Coordinator for the Office of Tennessee Attorney General.

This Policy is available for inspection and duplication in the Office of Tennessee Attorney General and is posted online at <http://www.tn.gov/attorneygeneral/>. This Policy shall be reviewed as needed, but no less frequently than every two years.

This Policy shall be applied consistently throughout the various offices and divisions of the Office of Tennessee Attorney General.

I. DEFINITIONS:

- A. 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. Tenn. Code Ann. § 10-7-503(a)(1)(A).

- B. Public Records Request Coordinator or “PRRC”: The individual or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility for delivering Public Records requests to the appropriate Records Custodian and responding to such request 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.
- C. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a Public Record. Tenn. Code Ann. § 10-7-503(a)(1)(C). The Records Custodian is not necessarily the original preparer or receiver of the record.
- D. Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

II. REQUESTING ACCESS TO PUBLIC RECORDS

- A. Each Requestor shall make his or her request for Public Records to the PRRC or his/her designee.
- B. Requests for inspection may be made orally. The Office would, however, prefer, but does not require, a written or digital request. The PRRC shall, however, request a U.S. mail address or email address from the Requestor in order to provide any written communication required under the TPRA.
- C. A Requestor may make a request for inspection orally, in writing or in person at the Office of the Tennessee Attorney General located at 425 Fifth Avenue North, Nashville, TN; by U.S. mail at the Office of the Tennessee Attorney General, P.O. Box 20207, Nashville, TN 37202; by telephone at (615) 741-5860; or by email at tnattygen@ag.tn.gov.
- D. A Requestor shall make a request for copies of Public Records in writing delivered in one of the following ways: in person at the Office of the Tennessee Attorney General located at 425 Fifth Avenue North, Nashville, TN; by U.S. mail at the

Office of the Tennessee Attorney General, P.O. Box 20207, Nashville, TN 37202;
or by email at tnattygen@ag.tn.gov.

- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is not required as a condition to inspect or receive copies of Public Records, unless there is an indication that the Requestor is not a Tennessee citizen.

III. RESPONDING TO PUBLIC RECORDS REQUESTS

A. Public Records Request Coordinator

1. The PRRC shall review Public Records requests and make an initial determination of the following:
 - a. If the Requestor is a Tennessee citizen;
 - b. If the Public Records requested are described with sufficient specificity to identify them; and
 - c. If the Office of the Tennessee Attorney General is the custodian of the requested Public Records.
2. The PRRC shall acknowledge receipt of the request and take the following actions, if appropriate:
 - a. Deny the request on the basis that:
 - i. The Requestor is not a Tennessee citizen;
 - ii. The request lacks specificity and/or needs clarification;
 - iii. The Office of Tennessee Attorney General is not the custodian of the requested Public Records;
 - iv. The Public Records are not subject to inspection under the TPRA; or
 - v. The requested Public Records do not exist.
 - b. Contact the Requestor to see if the request can be narrowed and/or clarified.
 - c. Forward the Public Records request to the appropriate Records Custodian(s) in the Office of the Tennessee Attorney General with notice of the date the request was received and the deadline for a response by the Office.

3. The Public Records Request Coordinator is:
 - a. Name: Janet M. Kleinfelter
 - b. Contact information: Office of the Tennessee Attorney General, 425 Fifth Avenue North, P.O. Box 20207, Nashville, TN 37202; tnattygen@ag.tn.gov.

B. Records Custodian

1. Upon receiving a Public Records request from the PRRC, a Records Custodian shall promptly make the requested Public Records available pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(i), if the requested Public Records are practicably available and not exempt from disclosure. If the Records Custodian is uncertain that an exemption applies, the custodian may consult with the PRRC or counsel.
2. If the Records Custodian determines it is not practicable to promptly provide requested Public Records because additional time is necessary to determine whether the requested Public Records exist; to search for, retrieve, or otherwise gain access to Public Records; to determine whether the Public Records are subject to inspection; to redact Public Records; or for other similar reasons, then the Records Custodian shall so inform the PRRC. The PRRC shall send the Requestor a response letter pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii), within seven (7) business days from the PRRC's receipt of the request.
3. If a Records Custodian determines that production of Public Records should be in installments, the Records Custodian shall inform the PRRC, who shall inform the Requestor that the production of Public Records will be in installments and that a Public Records production schedule will be provided as expeditiously as practicable.
4. If a Records Custodian determines that a Public Records request should be denied because of an applicable exemption, the Records Custodian shall so inform the PRRC. The PRRC shall deny the request in writing and include the basis for such denial, pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(ii).

5. If a Records Custodian discovers Public Records responsive to a Public Records request were omitted in a production, the Records Custodian shall notify the PRRC, who shall contact the Requestor concerning the omitted documents and produce those Public Records as quickly as practicable.

C. Redaction

1. If a Public 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.
2. Whenever a redacted Public Record is provided, a Records Custodian should provide the Requestor with the basis for redaction, which shall be general in nature and not disclose confidential information. A Records Custodian is otherwise not required to provide any sort of privilege log.

D. Inspection of Records

1. There shall be no charge for inspection of Public Records that are subject to inspection under the TPRA.
2. Inspection of Public Records shall take place at the Office of the Tennessee Attorney General located in Nashville, Tennessee. The location for inspection of Public Records within the Office of Tennessee Attorney General shall be determined either by the PRRC or the appropriate Records Custodian.
3. Appointments for inspection of Public Records are required and may be scheduled by contacting the Director of Communications for the Office of the Tennessee Attorney General at (615) 741-5860.

E. Copies of Records

1. A Records Custodian shall promptly respond to a Public Records request for copies.
2. Copies will be available for pickup at the Office of the Tennessee Attorney General, located at 425 Fifth Avenue North, Nashville, Tennessee.
3. Upon payment for postage, the PRRC will mail copies to the Requestor's home address by the United States Postal Service.


4. A Requestor will not be allowed to make copies of Public Records with any type of personal equipment, including but not limited to cell phones, portable scanners, or portable copy machines.

F. Fees and Procedures For Billing and Payment

1. Prior to producing copies of Public Records, Records Custodians shall provide Requestors with an itemized estimate of the fees, to the extent possible.
2. Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(C)(i), upon a request for copies of Public Records, the Office of the Tennessee Attorney General shall assess fees for copying and labor based on the most current version of the “Schedule of Reasonable Charges” issued by the Office of Open Records Counsel, available at <http://www.comptroller.tn.gov/openrecords/>.
3. A Records Custodian may waive or reduce fees if:
 - a. The fees total less than ten dollars (\$10.00);
 - b. The person requesting the copies is indigent pursuant to Federal poverty guidelines and signs a sworn statement to that effect; or
 - c. The person requesting the copies does so on behalf of a state government agency.
4. The Attorney General, or his or her designee, may waive or reduce any part of the fees calculated under this Policy upon a submission of a written request for waiver or reduction. Any decision to waive or reduce the fees is in the sole discretion of the Attorney General, is not subject to judicial review, and does not establish any precedent.
5. The Requestor shall pay the fees and charges by personal check, cashier’s check, or money order made payable to the State of Tennessee and delivered to the Office of the Tennessee Attorney General.
6. Payment in advance is required for all requests for copies of Public Records.
7. The Office of the Tennessee Attorney General may aggregate Public Records requests 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 and the Office adopts the “Frequent and Multiple Request Policy” and any successor policy developed by the Office of Open Records Counsel.

- a. Such requests may be aggregated on any level whether by attorney, case, division, office or otherwise.
- b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC 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 Office of Open Records Counsel.

APPROVED by:



HERBERT H. SLATTERY III
Tennessee Attorney General

DATE:

6/29/2017
