

**RULES
OF
DEPARTMENT OF FINANCE AND ADMINISTRATION
ADMINISTRATION DIVISION**

**CHAPTER 0620-03-10
ACCESS TO PUBLIC RECORDS OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION**

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0620-03-10-.01 PURPOSE AND SCOPE.

Public Chapter 712 of 2018 requires State agencies to promulgate rules implementing the Tennessee Public Records Act, including the process for making requests to inspect records and receive copies, the process for responding to requests, a statement of fees and the procedures for billing and payment, and the name and contact information of the Public Records Request Coordinator. These rules incorporate by reference all definitions in Tennessee Code Annotated §10-7-503.

Authority: T.C.A. §§ 4-3-1001, et seq.; 4-4-103; 4-5-201, et seq.; 10-7-503; and 10-7-506.
Administrative History: Original rule filed September 28, 2007; effective December 12, 2007. Repeal filed August 25, 2017; effective November 23, 2017. New rules filed April 9, 2020; effective July 8, 2020.

0620-03-10-.02 PUBLIC RECORDS REQUEST COORDINATOR.

The Public Records Request Coordinator for the Department is:

Lola Potter (or a substitute to be appointed by the Commissioner and identified on the Department website)
Director of Communications
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 20th floor, Nashville, Tennessee 37243
(615) 532-8560
finance@tn.gov

Authority: T.C.A. §§ 4-3-1001, et seq.; 4-4-103; 4-5-201, et seq.; 10-7-503; and 10-7-506.
Administrative History: Original rule filed September 28, 2007; effective December 12, 2007. Repeal filed August 25, 2017; effective November 23, 2017. New rules filed April 9, 2020; effective July 8, 2020.

0620-03-10-.03 REQUESTS FOR ACCESS TO RECORDS.

- (1) Public record requests shall be made to the Public Records Request Coordinator ("PRRC").
- (2) Requests for inspection only are not required to be made in writing. Requesters may use the Department's Public Records Request Form which is Attachment A to these rules and is posted on the Department's web site.
- (3) Requests for copies must be in writing and must describe with specificity the materials to be copied. The requester may use the Department's Public Records Request Form. The Requester can also use electronic mail to request inspection and/or copies.
- (4) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternate acceptable form of identification is required as a condition to inspect or receive

(Rule 0620-03-10-.03, continued)

copies of public records; however, the Department may waive the requirement at its discretion.

Authority: T.C.A. §§ 4-3-1001, et seq.; 4-4-103; 4-5-201, et seq.; 10-7-503; and 10-7-506.

Administrative History: Original rule filed September 28, 2007; effective December 12, 2007. Amendment filed May 30, 2008; effective September 26, 2008. Repeal filed August 25, 2017; effective November 23, 2017. New rules filed April 9, 2020; effective July 8, 2020.

0620-03-10-.04 RESPONDING TO PUBLIC RECORDS REQUESTS.

- (1) The Public Records Request Coordinator (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 Department of Finance and Administration is the custodian of the records.
- (2) The PRRC shall, within seven business days, acknowledge receipt of the request and take any of the following appropriate action(s):
 - (a) Request proof of Tennessee citizenship, unless the PRRC can determine from the request that requiring such proof is not required. Proof shall consist of a valid Tennessee driver's license or alternative acceptable government issued photo identification.
 - (b) Request clarification of the request. A request for clarification is a denial of the public records request because the requester failed to make sufficiently detailed request to enable the records custodian to identify the specific records requested as required by T.C.A. §10-7-503(a)(7)(B), and the records custodian will not be required to take further action on the request until a clarification is provided.
 - (c) Inform the requestor of the approximate time the request will be fulfilled and provide an estimate of the charges that may be assessed for requested copies. This may include time required for privilege review and redaction and in assembling the requested materials. If the volume is such that the documents will be produced in stages, the requester will be informed of the anticipated timing of this staged production.
 - (d) Deny the request. If the reason for denial is a privilege or exclusion created by law, the PRRC will provide a citation of the legal authority for the denial. If the reason for the denial is that the Department is not the custodian of the records, the PRRC is not required to research the proper custodian of the records. If the PRRC knows the identity of the proper custodian of the records, the PRRC may advise the requestor of the correct governmental entity and the PRRC for that entity if known.
 - (e) Promptly produce for inspection any requested documents which are immediately available for production.
- (3) Documents will be made available for review at the Department's offices in Nashville. The physical location for inspection of records within the offices of Finance and Administration is 312 Rosa L. Parks Avenue N., William R. Snodgrass Tennessee Tower, 20th Floor, Nashville, Tennessee 37243. Documents may be available for review at an alternate location by agreement.

(Rule 0620-03-10-.04, continued)

- (4) Upon receipt of a request for copies, the Department shall promptly gather requested documents and, if requested, make copies in the most economic and efficient manner practicable.
 - (a) Copies will be available for pickup at the location specified in subsection (3) or an alternate location agreed to by the parties.
 - (b) Upon payment for required charges, copies will be delivered to the requestor via email transmission upon request by requestor and determination that electronic transfer is efficient. Alternatively, upon payment for postage and any other required charges, copies will be mailed to the requestor's home address via the United States Postal Service.
- (5) A requester will be allowed to make copies of records with personal equipment (such as a cellular phone camera); provided, that no personal equipment may be connected to any state computer or device. If a requester seeks to make an image of the document with the use of personal equipment (such as a cellular phone camera) this is considered a request for a copy under these rules. The Department may not charge a requester for the cost of photographing a document which does not contain confidential or privileged material and which is ordinarily used by the Department in the course of its business. The Department is not required to relinquish physical custody of the requested documents and is entitled to enact reasonable requirements to protect the physical integrity and security of the documents. If the Department is required to incur labor expenses in making the document available for personal copying, including the use of computer processing, privilege review, or redaction, the requester must pay the costs applicable under these rules before being allowed to photograph the material.
- (6) If a record contains confidential information or information that is not open for public inspection, the PRRC shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the PRRC shall coordinate with Department counsel, the Office of Open Records Counsel or the Office of Attorney General and Reporter.
- (7) Whenever a redacted record is provided, the PRRC shall provide the requestor with the basis of the redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

Authority: T.C.A. §§ 4-3-1001, et seq.; 4-4-103; 4-5-201, et seq.; 10-7-503; and 10-7-506.
Administrative History: Original rule filed September 28, 2007; effective December 12, 2007. Amendment filed May 30, 2008; effective September 26, 2008. Repeal filed August 25, 2017; effective November 23, 2017. New rules filed April 9, 2020; effective July 8, 2020.

0620-03-10-.05 CHARGES AND PROCEDURES FOR PAYMENT.

- (1) Fees and charges for copies of public records should not hinder access to public records. Fees and charges for copies and duplicates will be waived in the following circumstances:
 - (a) Where the copy and labor charges do not exceed \$100.00;
 - (b) When the copies are requested by another governmental entity within the State of Tennessee;
 - (c) When an individual requestor establishes that he or she is indigent pursuant to federal poverty guidelines;

(Rule 0620-03-10-.05, continued)

- (d) A request to take copies with personal equipment that meets the qualifications of rule 0620-03-10-.04(5)
- (2) The PRRC shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before retrieving and producing the requested records. The Department shall require the requesting party to provide full payment of the production costs before copies of the requested records are delivered or made available. Waivers of fees above \$100.00 must be presented to the Deputy Commissioner of the Department, who is authorized to determine if such waiver is in the best interest of the Department and for the public good.
- (3) Fees and charges for copies are as follows
 - (a) \$0.15 per page for letter- and legal-size black and white copies.
 - (b) \$0.50 per page for letter- and legal-size color copies.
 - (c) Hourly labor fees will be charged when employee time exceeds one hour in connection with production of documents. The Department will follow the Schedule of Reasonable Charges issued by the Office of Open Records Counsel effective January 20, 2017 (and any amendment to that schedule issued by that office) in calculating labor costs.
 - (d) If an outside vendor is used, the actual costs assessed by the vendor.
 - (e) If the requester asks for copies to be sent by mail or a delivery service, the charges for such mail or delivery service.
- (4) Payment is to be made in cash, or by cashiers' check, payable to the Treasurer, State of Tennessee, and presented to the PRRC.

Authority: T.C.A. §§ 4-3-1001, et seq.; 4-4-103; 4-5-201, et seq.; 10-7-503; and 10-7-506.
Administrative History: Original rule filed September 28, 2007; effective December 12, 2007. Repeal filed August 25, 2017; effective November 23, 2017. New rules filed April 9, 2020; effective July 8, 2020.

0620-03-10-.06 REPEALED.

Authority: T.C.A. §§ 4-3-1001, et seq.; 4-4-103; 4-5-201, et seq.; 10-7-503; and 10-7-506.
Administrative History: Original rule filed September 28, 2007; effective December 12, 2007. Repeal filed August 25, 2017; effective November 23, 2017.

0620-03-10-.07 REPEALED.

Authority: T.C.A. §§ 4-5-201, et seq.; 4-3-1001, et seq.; 10-7-503; 10-7-503(g); 10-7-506; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 28, 2007; effective December 12, 2007. Repeal filed August 25, 2017; effective November 23, 2017.