



## **PUBLIC RECORDS POLICY FOR THE OFFICE OF THE GOVERNOR**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy (the “Policy”) for the Office of the Governor (the “Governor’s Office”) is adopted to provide economical and efficient access to public records in the custody of the Governor’s Office 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, unless otherwise provided by state law. *See* Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the records of the Governor’s Office are presumed to be open for inspection unless otherwise provided by law.

### **I. Definitions**

All terms used in this Policy shall have the meaning assigned by Tennessee Code Annotated, Title 10, Chapter 7, Part 5, unless the context requires otherwise, including the following:

- a. Records Custodian(s): The office, official(s), or employee(s) 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 Record Request Coordinator(s) (“PRRC”): The individual(s) within the Governor’s Office designated in Section II of this Policy whose role it is to ensure that public record requests are routed to the appropriate records custodian and fulfilled in accordance with the TPRA. *See* Tenn. Code Ann. § 10-7-503(a)(1)(B). The PRRC 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**

Public record requests for the Governor's Office must be made to the PRRC or his/her designee in order to ensure such requests are routed to the appropriate records custodian and fulfilled in a timely manner. Requests must be made by a Tennessee citizen.

### **Requests for inspection may be made orally or in writing:**

Public Record Request Coordinator, Office of the Governor  
Attn: Deputy Counsel to the Governor  
State Capitol, 600 Dr. Martin Luther King, Jr. Blvd., Ground Floor  
Nashville, TN 37243

or by phone at (615) 741-2001

or by email at Gov.PPRC@tn.gov.

In the case of oral requests, the PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA.

### **Requests for copies, or requests for inspection and copies, shall be made in writing:**

Public Record Request Coordinator, Office of the Governor  
Attn: Deputy Counsel to the Governor  
State Capitol, 600 Dr. Martin Luther King, Jr. Blvd., Ground Floor  
Nashville, TN 37243

or by email at Gov.PPRC@tn.gov.

## **III. Responding to Public Record Requests**

### Role of the Public Record Request Coordinator(s)

The PRRC shall review public record requests and make an initial determination of the following:

- a. Whether the requestor provided evidence of Tennessee citizenship;
- b. Whether the record(s) requested are described with sufficient specificity to identify them; and
- c. Whether the Governor's Office is the custodian of the records; and
- d. The estimated total cost of fulfilling the request.

The PRRC shall acknowledge receipt of the request and take any of the following action(s), as appropriate:

- a. Advise the requestor of this Policy; request proof of Tennessee citizenship, if necessary; and advise the requestor of any form(s) required for copies.
- b. Deny the request in writing, providing the appropriate ground for the denial.<sup>1</sup>
- c. Estimate the total cost of fulfilling the request; and advise the requestor of estimated costs and payment requirements, if applicable, before processing the request.
- d. Forward the records request to the appropriate records custodian in the Governor's Office. The communication to the records custodian should include instructions for completing the request and a deadline for responsive documents to be sent to the PRRC.

The PRRC shall report to the Counsel to the Governor regarding the Governor's Office's compliance with the TPRA pursuant to this Policy and may make recommendations for revisions to this Policy.

#### Role of the Records Custodian

Upon receiving a public record request from the PRRC, the records custodian shall promptly respond to the PRRC's notice to make responsive records available to the requestor in accordance with Tenn. Code Ann. § 10-7-503.

If not practicable to promptly provide requested records because additional time is necessary to determine whether responsive records exist; to search for, retrieve, or otherwise gain access to records; to determine whether records are subject to disclosure under the TPRA; to redact records; or for other similar reasons, the records custodian shall promptly notify the PRRC of the issue. The PRRC shall, within seven (7) business days of the records custodian's receipt of the request, send the requestor a completed Public Record Request Response Form, which is attached as Attachment A.

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<sup>1</sup> Grounds for denial include, but are not limited to, (a) the requestor is not, or has not presented evidence of being, a Tennessee citizen; (b) the request lacks specificity, (c) the record is not subject to disclosure under the TPRA, (d) the Governor's Office is not the custodian of the requested record(s), and (e) the requested record(s) do not exist.

If the request lacks specificity, the PRRC may contact the requestor to see whether the request can be clarified or narrowed, if appropriate.

If the record is not subject to disclosure under the TPRA, the PRRC shall provide the legal basis on which the record is not subject to disclosure.

If requested records are in the custody of a different governmental entity, and the PRRC has knowledge of the governmental entity with custody of the records, the PRRC may advise the requestor of that governmental entity.

If a records custodian denies a public record request, he or she shall promptly inform the PRRC, who will deny the request in writing using the Public Record Request Response Form attached as Attachment A.

If a records custodian reasonably determines that production of records should be segmented because the record request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall promptly notify the PRRC. The PRRC shall use the Public Record Request Response Form attached as Attachment A 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 PRRC should contact the requestor to determine whether the request can be narrowed.

If a records custodian discovers records responsive to a record request were omitted, the records custodian shall contact the PRRC. The PRRC shall then contact the requestor concerning the omission and produce the omitted records as quickly as practicable.

### Redaction

If some, but not all, information in a record is not subject to public inspection, the records custodian or PRRC shall prepare a copy redacting the information not subject to public disclosure prior to providing access. If questions arise concerning redaction, the records custodian or PRRC should coordinate with the Governor's Counsel's Office or other appropriate parties regarding review and redaction of records. The records custodian and PRRC may also consult with the Office of the Attorney General and Reporter.

Whenever a redacted record is provided, the PRRC or records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose information not subject to public inspection.

### Inspection of Records

Upon request, records shall be made available for inspection at a designated location within the Governor's Office. Under reasonable circumstances, the PRRC may require an appointment for inspection. In such a case, the PRRC shall contact the requestor and schedule the appointment during regular business hours.

### Copies of Records

Copies will be available for pickup at a designated location within the Governor's Office, or copies will be delivered to the requestor's address by the United States Postal Service. The Governor's Office reserves the right to charge for postage costs. A records custodian shall

promptly respond to a public record request for copies in the most economic and efficient manner practicable.

A requestor will not be allowed to make copies of records with personal equipment. The Governor's Office will not use requestor-provided electronic data storage devices.

#### **IV. Fees and Charges**

The Schedule of Reasonable Charges promulgated by the Tennessee Office of Open Records Counsel provides for recovery of costs in accordance with state law. However, the Governor's Office is committed to transparency, and if the actual total costs of fulfilling a request are less than \$100, then the costs may be waived.

If the estimated total costs of fulfilling a request are \$100 or more, then the PRRC will provide an itemized cost estimate to the requestor. The Governor's Office may require a deposit before processing the request. Full payment of actual costs is required before requested copies will be produced.

Costs will be calculated on the number and type of copies made and the amount of labor required to produce the copies, as follows:<sup>2</sup>

1. Black and white copies: \$0.15 per page for letter- and legal-size, plus pro-rata hourly labor charges allocable to the copied records.
2. Color copies: \$0.50 per page for letter- and legal-size, plus pro-rata labor hourly charges allocable to the copied records.
3. If an outside vendor is used, the actual costs assessed by the vendor.
4. Actual postage costs, if any.
5. Records stored in electronic format: pro-rata labor charges allocable to copied records will apply; if necessary to make hard copies to process the request, then copy charges will be calculated as provided for above.

Allocable hourly labor charges will be based on the salaries and wages of the employee(s) who processes the request. To minimize costs, the Governor's Office will evaluate which employee(s)

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<sup>2</sup> The Governor's Office will charge the amounts authorized in the Schedule of Reasonable Charges developed by the Office of Open Records Counsel, as it may be from time to time amended. If there is a discrepancy between the amounts listed in this Policy and the amounts authorized in the Schedule, then the amounts authorized in the Schedule control.

can most efficiently process the request considering the hourly rates of the employees and their relative skill levels. In computing any allocable labor charges, total costs will not include the first hour of labor performed by the highest paid employee who contributes to processing the request. Labor costs will not be charged for inspection of records; however, if upon inspection copies of records are requested, then labor costs allocable to those records may be charged.

Additionally, the Governor's Office maintains the right to aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the Tennessee Office of Open Records Counsel when more than four requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

## **V. Policy**

This Policy is posted online at <https://www.tn.gov/governor/>.

This Policy may be regularly reviewed, and, as such, is subject to change. Any updates to the Policy shall be promptly made available.

Concerns about this Policy should be addressed to the Public Record Request Coordinator(s) for the Governor's Office or the Tennessee Office of Open Records Counsel.

Policy effective March 4, 2019.

**ATTACHMENT A - PUBLIC RECORD REQUEST RESPONSE FORM**

Office of the Governor  
State Capitol, 600 Dr. Martin Luther King, Jr. Blvd.  
Nashville, TN 37243

DATE: \_\_\_\_\_

REQUESTOR'S NAME & CONTACT INFORMATION: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_, our office is taking the action(s) indicated below:

The public record(s) responsive to your request will be made available for inspection:

Location: \_\_\_\_\_

Date & Time: \_\_\_\_\_

Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location:

\_\_\_\_\_ ; or

Being delivered via:  USPS First-Class Mail  Electronically  Other \_\_\_\_\_

Your request is denied on the following grounds:

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of adequate proof of Tennessee citizenship.

You are not a Tennessee citizen.

The following state, federal, or other applicable law or exemption prohibits disclosure of the requested records:

\_\_\_\_\_.

Failure to pay.

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: \_\_\_\_\_

The estimated total cost of your request is at least \$100.

Type of Charge	Estimated Cost
Copies: _____ pages at _____ per page	\$
Labor: _____ hours* at _____ per hour	\$
Other:	\$
<b>TOTAL ESTIMATED COST</b>	\$

\*The number of hours has been reduced by one to account for the first hour of labor performed by the highest paid employee that contributes to processing the request, for which there is no charge.

A deposit of \$\_\_\_\_\_ is required before this Office will be processing your request. Acceptable payment forms include \_\_\_\_\_. Please remit payment to the following address by \_\_\_\_\_.

Office of the Governor  
Attn: Executive Assistant, Legal Office  
State Capitol, 600 Dr. Martin Luther King, Jr. Blvd.  
Nashville, TN 37243

Failure to timely pay will result in the denial of your request.

If you have questions regarding your request, please contact the Public Record Request Coordinator.

Sincerely,

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Public Record Request Coordinator