



# GENERAL ORDER

**Number:** 265-1  
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**Subject:** Public Records  
**Date:** 1 July 2017  
**Distribution:** All Employees

## I. PURPOSE:

To establish policy and procedures for the employees of the Tennessee Department of Safety and Homeland Security (DOSHS) concerning the above captioned subject.

## II. POLICY:

Pursuant to Tennessee Code Annotated (TCA) §10-7-503(g), the following Public Records Policy for the DOSHS is hereby adopted by the DOSHS Commissioner to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (TPRA) in TCA §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 hospitals 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 otherwise provided by state law. See TCA §10-7-503(a)(2)(A). Accordingly, the public records of the DOSHS are presumed to be open for inspection unless otherwise provided by law.

Personnel of the DOSHS 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 the DOSHS, shall be protected as provided by current law. Concerns about this policy should be addressed to the DOSHS Public Records Request Coordinator or to the Tennessee Office of Open Records Counsel (OORC).

This policy is available for inspection and duplication in the office of General Counsel. This policy is posted online at [www.tn.gov/safety/article/openrecords](http://www.tn.gov/safety/article/openrecords). This policy shall be reviewed every two (2) years.

This policy shall be applied consistently throughout the various DOSHS Divisions/Sections.

## III. DEFINITIONS:

- A. **Inspection:** The visual review of requested records, without the making of copies, whether by the DOSHS or Requestor, by any means, that does not require a charge to view. An inspection can be converted into copies upon payment of proper charges.

- 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 TCA §10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section V.A.3. 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 TCA §10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a public record. See TCA §10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- E. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.
- F. Unclaimed Request: Any request which has not been inspected, picked up, or otherwise obtained by the requestor more than thirty (30) days after the date the requestor was notified that the records were available for inspection or copies were ready to be picked up.

#### **IV. REQUESTING ACCESS TO PUBLIC RECORDS:**

- A. Public record requests shall be made to the Public Records Request Coordinator (PRRC) or designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- 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 Public Records Request Form (SF-1565) at 312 Rosa L. Parks Avenue, 25<sup>th</sup> Floor, Nashville, TN 37243 or by phone at 615-251-5166, or by e-mail to [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov). Requests to inspect personnel files or disciplinary files of law enforcement personnel will require the attached Tennessee Department of Safety Request for Personnel File Inspection/Copies Form (SF-1079), to be provided prior to inspection in order to comply with TCA §10-7-503(g).
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached form (SF-1565). Requests to inspect or for copies of personnel files or disciplinary files of law enforcement personnel will require the attached Tennessee Department of Safety Request for Personnel File Inspection/Copies Form (SF-1079), to be provided prior to inspection in order to comply with TCA §10-7-503(g). Requests can be made by:

1. Mailing to or providing in person at: 312 Rosa L. Parks Avenue, 25th Floor, Nashville, TN 37243;
  2. Mailing to or providing in person at: 1150 Foster Avenue, Nashville, TN 37243;
  3. Emailing to: [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov); or
  4. Facsimile to 615-253-2091.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license, or other state or city government issued photographic ID that includes the requestor's address, is required as a condition to inspect or receive copies of public records.
- F. Statistical data of the DOSHS is available online for the categories listed below.
1. Checkpoint Locations: <http://www.tennessee.gov/safety/article/checkpoints>
  2. Crash Data: <http://www.tennessee.gov/safety/article/crashdata>
  3. THP Activity: <http://www.tennessee.gov/safety/article/thpactivity>
  4. Handgun Carry Permits: <http://www.tennessee.gov/safety/article/handgun>
  5. Driver License: <http://www.tennessee.gov/safety/article/driverlicense>
  6. Special Reports: <http://www.tennessee.gov/safety/article/specialreports>
  7. Historical Data: <http://www.tennessee.gov/safety/article/historical>

## V. RESPONDING TO PUBLIC RECORDS REQUESTS:

- A. Public Record Request Coordinator (PRCC):
1. The 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 DOHS 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:
      - (1) Proof of Tennessee citizenship;
      - (2) Form(s) required for copies;
      - (3) Fees (and labor threshold and waivers, if applicable); and

- (4) Aggregation of multiple or frequent requests.
  - b. If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:
    - (1) The requestor is not, or has not presented evidence of being, a Tennessee citizen;
    - (2) The request lacks specificity. The DOSHS may work with requestors to clarify the request;
    - (3) An exemption makes the record not subject to disclosure under the TPRA, and inform the requestor of the specific exemption;
    - (4) The Governmental Entity is not the custodian of the requested records; and/or
    - (5) 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 DOSHS.
  - 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 PRRCs are listed below.

Megan Buell, Communications Director  
Tennessee Department of Safety & Homeland Security  
312 Rosa L. Parks Avenue, 25th Floor  
Nashville, TN 37243  
Phone: 615-251-5131  
Email: [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov)  
Fax: 615-253-2091

Lizabeth Hale, Deputy General Counsel  
Tennessee Department of Safety & Homeland Security  
312 Rosa L. Parks Avenue, 25th Floor  
Nashville, TN 37243  
Phone: 615-251-5349  
Email: [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov)  
Fax: 615-253-2091

Kyle Turner, Staff Attorney  
Tennessee Department of Safety & Homeland Security  
312 Rosa L. Parks Avenue, 25th Floor  
Nashville, TN 37243  
Phone: 615-251-5123  
Email: [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov)  
Fax: 615-253-2091

4. The PRRC(s) 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 accordance with TCA §10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the Attorney General's office.
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 or PRRC shall, within seven (7) business days from the date DOSHS receives the request, send the requestor a completed Public Records Request Response, as developed by the OORC, a copy of which is attached.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section V.A.2.b. using the Public Records Request Response.
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 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 Office of Attorney General and Reporter.
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.

**VI. INSPECTION OF RECORDS:**

- A. There shall be no charge for inspection of open public records.
- B. Inspection of records shall take place at the DOSHS office where the records are normally maintained, unless circumstances require otherwise. The location for inspection of records within the appropriate DOSHS office shall be determined by either 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.
  1. Due to staffing and security measures in place, appointments will be needed for inspections at the locations listed below.
    - a. Knoxville Legal Office, Strawberry Plains Pike, Knoxville
    - b. Nashville Legal Office, Foster Avenue, Nashville
    - c. Memphis Legal Office, Macon Road, Memphis
    - d. Human Resources, Foster Avenue, Nashville
    - e. Any records located the Tennessee Tower, Rosa L. Parks Avenue, Nashville
  2. The requestor will be informed of the location for inspection and if an appointment is needed at the time the requestor is notified that the records are available for inspection.
- D. If, after viewing the records, a requestor wishes to obtain copies, the DOSHS shall calculate the cost based on the copy and labor charges for the entire request and, if the requestor does not wish to obtain all records produced, shall pro-rate the charges on a per page basis.

- E. A requestor will not be allowed to make copies of records with personal equipment.

## **VII. 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 custodian.
- C. Upon advanced payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. Copies may also be provided via Federal Express upon submission of a prepaid envelope or billing account number, or UPS, or USPS upon submission of a prepaid envelope.
- D. If the total cost for labor and copying is less than \$10.00, the documents may be submitted electronically to the requestor's e-mail address, if provided. Documents which include personally identifiable information cannot be sent by e-mail.
- E. Requests which contain allowable personally identifiable information (PII) will only be provided by Secure File Transfer Protocol (SFTP), if provided electronically.
- F. A requestor will not be allowed to make copies of records with personal equipment.

## **VIII. 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. Unless otherwise required by statute, no charges will be assessed for copies and duplicates unless total cost of both copying and labor is more than \$10.00.
- B. Records custodians 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 producing requested records.
- C. When fees for copies and labor do not exceed \$10.00, the fees will be waived. Fees associated with aggregated records requests will not be waived. Fees set by statute cannot be waived.
- D. 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. Other:

- a. \$5.00 for each Moving Violation Record/driver history per TCA §55-50-204.
- b. \$5.00 for each Affidavit for proof of insurance per TCA §55-50-204.
- c. \$4.00 for unredacted crash reports per TCA §55-12-108. Redacted crash reports are fifteen cents (\$0.15) per page.
- d. Unredacted Crash Videos/DVDs with photos taken by the Investigating Trooper shall be provided for free, if the requestor is authorized to receive unredacted material under state or federal law.
- e. Crash Videos/DVDs with photos taken by the Investigating Trooper that are required to be redacted per state or federal law will be charged at actual cost, including the cost of any redaction done by a third party vendor.
- f. Paper copies of Crash photos taken by the Investigating Trooper shall be sold for fifteen cents (\$0.15) per page.
- g. Bulk requests for driver license data shall be charged per Rule 1340-08-01-.04 of the Department of Safety (<http://share.tn.gov/sos/rules/1340-08/1340-08-01.20160410.pdf>).
- h. Blood Alcohol Reports shall be provided for free unless they are provided as part of another DOSHS record.
- i. Toxicology Reports shall be provided for free unless they are provided as part of another DOSHS record.
- j. Paper copies of Vehicular Homicide Reports shall be sold for fifteen cents (\$0.15) per page. There shall be no labor charge for copying these reports.
- k. Unredacted CIRT Videos/DVDs shall be provided for free if the requestor is authorized to receive unredacted material under state or federal law.
- l. Redacted CIRT Videos/DVDs with photos taken by CIRT will be charged at actual cost, including the cost of any redaction done by a third party vendor.



- m. Paper copies of CIRT photos taken by CIRT shall be sold for fifteen cents (\$0.15) per page. There shall be no labor charge for copying these reports.
        - n. E-Crime Reports (SF-1496) shall be provided for free.
        - o. Incident Reports (SF-1493) shall be provided for free.
        - p. Offense Reports (SF-1492) shall be provided for free.
  - 4. Labor when time exceeds one (1) hour.
  - 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made by personal check, cashier's check, or money order payable to the Department of Safety & Homeland Security and presented to either the PRRC or the records custodian.
- F. Advance payment:
  - 1. Payment in advance of half of the estimated amount will be required when costs are estimated to exceed \$100.00.
  - 2. Payment in advance of the full estimated amount will be required when the DOSHS is using an outside vendor to complete the request. The DOSHS will notify the requestor in advance of preparing the documents that an outside vendor is being used and the estimated amount from the vendor.
- G. The Commissioner or the PRRC, as the Commissioner's designee, may, on a case by case basis, reduce any part of the fees calculated under this policy or waive any fee upon a written request for waiver or reduction.
  - 1. Fees set by statute or charged by an outside vendor shall not be reduced or waived.
  - 2. The waiver or a reduction of any fees is in the sole discretion of the Commissioner or PRRC, is not subject to judicial review, and does not establish any precedent.
- H. Retention of Requests:
  - 1. If a request, either for copies or inspection, is unclaimed for thirty (30) days after the DOSHS notified the requestor, in writing, of the completion of the request and any charges, the DOSHS shall send a letter to the requestor, in writing, notifying the requestor that:
    - a. The documents are available and the location; and

- b. If the documents remain unclaimed for an additional thirty (30) days from the date of the letter, the requestor will need to submit a new request for the documents, and the new request may result in a new fee being charged.
2. At the end of the second thirty (30) day period, any original records shall be returned to their location and any copies made shall be destroyed by the DOSHS. If the original requestor submits a second request prior to the destruction of any copies, the DOSHS shall charge the original cost for the copying and labor, in addition to any fees that might be required if the second request seeks additional materials.
3. If the request was to inspect and only a telephone number was provided, the DOSHS shall telephone the requestor and make notes regarding any conversation, and shall save such notes as part of the request.

#### **IX. AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS:**

- A. The DOSHS 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).
  1. Aggregation:
    - a. The level at which records requests will be aggregated is by DOSHS.
    - 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.