

PUBLIC RECORDS POLICY

THE TENNESSEE DEPARTMENT OF MILITARY

The Tennessee Department of Military hereby adopts the following Public Records Policy to provide economical and efficient access to public records in accordance with the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-501 *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. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Tennessee Department of Military are presumed to be open for inspection unless otherwise provided by state law.

Personnel of the Tennessee Department of Military 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 Tennessee Department of Military shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator (“PRRC”) for the Tennessee Department of Military.

This Policy is available for inspection at the Office of General Counsel for the Tennessee Department of Military located at 3041 Sidco Drive, Suite 101, Nashville, TN 37204, and is posted online at <https://www.tn.gov/military/who-we-are/state-administration-military/office-of-the-general-counsel-military.html>. 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, departments, and/or divisions of the Tennessee Department of Military.

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. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- B. Public Records Request Coordinator (“PRRC”): The individual or individuals, designated in Section II 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.

- C. 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.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. PUBLIC RECORDS REQUEST COORDINATOR INFORMATION

- A. The PRRC is located within the Office of General Counsel at Tennessee Department of Military. The contact information for the PRRC is:

Tennessee Department of Military
Office of General Counsel
3041 Sidco Drive, Suite 101
Nashville, TN 37204
Phone: (615) 313-0756
TNMilitary.OpenRecords@tn.gov

- B. Contact information for the PRRC shall be posted on the Tennessee Department of Military's website. <https://www.tn.gov/military/who-we-are/state-administration-military/office-of-the-general-counsel-military.html>.

III. REQUESTING ACCESS TO PUBLIC RECORDS

- A. Public record requests whether written or oral, shall be made to the PRRC or his/her designee to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Public record requests must include the following information clearly and concisely expressed:
 - 1. name and contact information (in order to provide any communication required under the TPRA);
 - 2. detailed description of the records being requested, including type, timeframe, subject matter or key words, and any other information identifying the public records;
 - 3. statement whether the request is for inspection, receipt of copies, or both; and
 - 4. delivery preference (e.g., on-site pick-Up, electronic, USPS First-Class Mail, etc.), if requesting copies.
- C. Proof of Tennessee citizenship by presentation of a valid Tennessee driver license or a Tennessee photo ID card is required as a condition to inspect or receive copies of public records. To the extent that the requestor cannot provide a Tennessee driver license, the

PRRC may accept an alternative form of identification for proof of Tennessee citizenship. The PRRC may waive the requirement of subsequent presentation of a Tennessee driver license if the requestor has previously provided proof of Tennessee citizenship. ***Please include a copy of your identification with your initial request.***

- D. Requests for inspection only are not required to be made in writing. 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.
1. by telephone at (615) 313-0756;
 2. in person at the Tennessee Department of Military, Office of General Counsel, 3041 Sidco Drive, Suite 101, Nashville, TN 37204;
 3. by email at TNMilitary.OpenRecords@tn.gov;
 4. by U.S. Mail at the Tennessee Department of Military, Attn: Office of General Counsel, 3041 Sidco Drive, Suite 101, Nashville, TN 37204.
- E. Requests for copies, or requests for inspection and copies shall be made in writing to the PRRC:
1. in person at the Tennessee Department of Military, Office of General Counsel, 3041 Sidco Drive, Suite 101, Nashville, TN 37204;
 2. by U.S. Mail at the Tennessee Department of Military, Attn: Office of General Counsel, 3041 Sidco Drive, Suite 101, Nashville, TN 37204;
 3. by email at TNMilitary.OpenRecords@tn.gov.

IV. **RESPONDING TO PUBLIC RECORDS REQUESTS**

- A. The PRRC shall acknowledge and review public records requests and make an initial determination of the following:
1. If the requestor provided evidence of Tennessee citizenship;
 2. If the records requested are described with sufficient specificity to identify them;
 3. If the Tennessee Department of Military is the custodian of the requested records; and
 4. If the records qualify as public records under the TPRA or are subject to an exemption to access.
- B. If not practicable to promptly provide the requested records, the PRRC shall within seven (7) business days from the PRRC's receipt of the request, furnish the requestor a response in writing of the time reasonably necessary to produce the records or information. *See* Tenn. Code Ann. § 10-7-503(a)(2)(B).
- C. If a public records request is denied, the PRRC shall deny the request in writing, providing the basis for the denial.
- D. If the PRRC reasonably determines production of public records should be provided in installments because the public records request is for a large volume of records, or additional time is necessary to prepare the public records for access, the PRRC shall notify

the requestor that production of the public records will be in installments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the PRRC will contact the requestor to see if the request can be narrowed and/or clarified in order to expedite access;

- E. Forward the public records request to the appropriate records custodian(s) in the Tennessee Department of Military with notice of the date the request was received and the deadline for when a response to the request is due;
- F. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct government entity, advise the requestor of the correct governmental entity and PRRC for that entity, if known.

V. REDACTION

- A. If a public record contains confidential information or information that is not open for public inspection, the PRRC or records custodian shall prepare a redacted copy prior to providing access. The PRRC may also consult with the Office of Open Records Counsel (OORC).
- B. Whenever a redacted record is provided, the PRRC should provide the requestor with the basis for the redaction, which shall be general in nature and not disclose confidential information.

VI. INSPECTION OF PUBLIC RECORDS

- A. There shall be no charge for inspection of public records that are subject to inspection under the TPRA.
- B. Inspection of records shall take place at the offices of the Tennessee Department of Military, 3041 Sidco Drive, Nashville, TN 37204, and shall occur during regular business hours. The location for inspection of records within the offices of the Tennessee Department of Military shall be determined by the PRRC.
- C. Appointments for inspection of public records are required and may be scheduled by emailing the PRRC at TNMilitary.OpenRecords@tn.gov.

VII. COPIES OF PUBLIC RECORDS

- A. The PRRC 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 the Tennessee Department of Military, Office of General Counsel, 3041 Sidco Drive, Nashville, TN 37204, or an alternate location determined by the PRRC.
- C. Upon payment for postage, copies will be mailed to the requestor's address via the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with any type of personal equipment, including but not limited to cell phones, cameras, portable scanners, portable copy machines, or any other electronic device.

VIII. FEES, CHARGES AND PROCEDURES FOR BILLING AND PAYMENT

- A. Fees and charges for copies of public records shall not be used to hinder access to public records.
- B. Pursuant to the Rules of the Military Department of Tennessee, Chapter 0930-03-01, Rules and Regulations for Access to Public Records, if fees for copies and labor total \$10.00 or less, the Department shall waive the fees. <https://publications.tnsosfiles.com/rules/0930/0930.htm>.
- C. Prior to producing copies of records, the PRRC shall provide requestors with an itemized estimate of the fees, to the extent possible.
- D. Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(C)(i), upon a request for copies of records, the Tennessee Department of Military shall assess fees for the copying and labor based on the most current version of the "Schedule of Reasonable Charges" issued by the OORC, available at <https://www.comptroller.tn.gov/office-functions/open-records-counsel.html>.
- E. Payment is to be made by a check or money order made payable to the Military Department of Tennessee. A personal check cannot exceed the amount of \$500.00.
- F. Payment in advance is required for all requests for copies of records.
- G. The Tennessee Department of Military will aggregate 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 adopts the "Reasonable Charges for Frequent and Multiple Request Policy" and any successor policy developed by the OORC available at <https://www.comptroller.tn.gov/office-functions/open-records-counsel.html>.

APPROVED BY:



**WARNER A. ROSS, II, MAJOR GENERAL
THE ADJUTANT GENERAL
TENNESSEE DEPARTMENT OF MILITARY**

5 June 2024

DATE