

DATE: November 7, 2019

SUBJECT: Policy Manual Revision- Repeal Obsolete Policy

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION

In 2016, the General Assembly passed Public Chapter 722, which updated the Tennessee Public Records Act. The Act required all governmental entities to adopt a written public records policy by July 1, 2017. PC 722 also directed the Office of Open Records Counsel, a division of the Comptroller of the Treasury, to publish best practice guidelines and a model public records policy for agencies to use when developing their own policy and procedures.

THEC developed a policy based on the model policy and best practices published by the Office of Open Records Counsel. Policy LR 6.0 was approved by the Commission on May 11, 2017.

In 2018, the General Assembly passed Public Chapter 712, which required agencies to promulgate administrative rules to replace their previously adopted policies. The Commission adopted Chapter 1540-01-11 Access to Public Records on May 17, 2019.

The Attorney General's Office examined the Rules as to their legality and approved them on July 5, 2019. The Rules received a positive recommendation from the Joint Government Operations Committee of the General Assembly after a public hearing on September 18, 2019, and became effective on October 15, 2019.

RECOMMENDATION

Staff recommends that the Commission repeal Policy LR6.0 Public Records and remove it from the THEC Policy Manual.