

**PUBLIC RECORDS POLICY
FOR
THE CITY OF EAST RIDGE**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the City of East Ridge is hereby adopted by the East Ridge City Council to provide economical and efficient access to public records 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, 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 Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of East Ridge are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of East Ridge 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 City of East Ridge, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator (“PRRC”) for the City of East Ridge or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of the City Recorder. This Policy is posted online at www.eastridgetn.org. This Policy shall be reviewed every two years. This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of East Ridge except the following offices, departments, or divisions of the City of East Ridge, which have separate public records policies:

- a. N/A
- b. _____
- c. _____

I. Definitions:

- A. Labor: The time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
- B. Labor threshold: The labor of the employee(s) reasonably necessary to produce requested material for the first hour incurred by the records custodian in producing the material.
- 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. 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).

- E. Public Records Request Coordinator: The individual, or individuals, designated in Section III, 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 Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- F. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her 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 in person, or in writing using the attached Public Records Request Form available at the Office of the City Recorder, East Ridge City Hall, 1517 Tombras Avenue, East Ridge, TN 37412 or downloaded from the City's website at www.eastridgetn.gov. To the extent a requestor submits a request via the Public Records Request Form, the form may be returned by hand-delivery to the PRRC, or by facsimile at (423)867-7340, or by email to the City Recorder.
- D. Requests for **copies**, or requests for inspection and copies, shall be made in writing using the Public Records Request Form available at the Office of the City Recorder, East Ridge City Hall, 1517 Tombras Avenue, East Ridge, TN 37412 or downloaded from the City's website at www.eastridgetn.gov. The Form shall be submitted by hand-delivery to the PRRC, or by facsimile at (423) 867-7340, or by email to the City Recorder.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of governmental issued identification) is required as a condition to inspect or receive copies of public records. Public notices, meeting documents, and frequently requested records are posted and readily available at www.eastridgetn.org.

III. Responding to Public Records Requests

- A. Public Record Request Coordinator
 - 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 Governmental Entity 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:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA.
 - iv. The Governmental Entity is not the custodian of the requested records.
 - v. 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 City of East Ridge.
 - 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 PRRC(s) is(are):
 - a. Name or title: Janet Middleton, City Recorder
 - b. Contact information: 423-867-7711, fax: 423-867-7340, or jmiddleton@eastridgetn.gov
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. Within seven (7) business days of receipt of a request for records, the records custodian shall undertake one of the following actions:
 - a. The records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
 - b. 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 the records custodian shall send the requestor a completed Public Records Request Response Form, based on the form developed by the OORC.
 - i. If the 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 Form 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. Additionally, the records custodian shall provide an estimation of duplication costs.
 - c. The records custodian shall deny the request in writing as provided in Section III.A.2.b. using the Public Records Request Response Form.
2. 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 OORC or 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.

IV. **Inspection of Records**

- A. There shall be no charge for inspection of open public records.

- B. The location for inspection of records within the offices of the City of East Ridge should be determined by either the PRRC or the records custodian.
- C. If determined by the PRRC or a records custodian, the PRRC or a records custodian may require an appointment for inspection at the Office of the City Recorder or may require inspection of records at an alternate location. Appointments may be made between the hours of 8:00 am and 4:30 pm, Monday – Friday.
- D. All inspections of records must be performed under the supervision of the PRRC, the records custodian, or its designee in order to protect the integrity and organization of the public records. Under no circumstances should a requesting citizen be left unattended while inspecting records.
- E. No photography devices may be used in connection with the inspection and all copying of public records must be performed by employees of the City, or, in the event that city personnel are unable to copy the records, by an entity or person designated by the records custodian. When circumstances prevent the use of municipal copying equipment, commercial copying services may be used. In this situation, the records custodian should receive a quote from the commercial copy service to be used. The quote should then be forwarded to the requester along with an explanation of the need to use the commercial service and a time frame for completion. Finally, the requester should be given an opportunity to proceed with the commercial service or to withdraw the request.

V. 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 or its designee.
- C. Upon prepayment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. Additional permitted means of delivery are by Fedex delivery, if the requestor pays in advance. It is within the discretion of the records custodian to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- D. A requestor will not be allowed to make copies of records with personal equipment, such as personal storage devices.

VI. 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.
- 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 when costs are estimated to exceed ten dollars (\$10.00).
- C. When fees for copies and labor do not exceed \$1.00, the fees may be waived.
- D. The schedule of reasonable fees and charges for copies are as follows

1. \$0.15 per page for each letter (8 ½ x11) and legal-size (8 ½ x14) black and white copy, plus applicable labor charges.
 2. \$0.50 per page for each letter (8 ½ x11) and legal-size (8 ½ x14) color copy, plus applicable labor charges.
 3. Accident reports - \$0.15 per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy produced, plus applicable labor charges.
 4. Maps, plats, electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.
 - a. Charge for CDs and DVDs will be \$ 5.00, plus any applicable labor charges (City will provide the CD/DVD).
 - b. Charge for flash drive will be \$ 10.00, plus any applicable labor charges (City will provide the flash drive).
- E. Requests requiring less than **one (1) hour** of municipal employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requester. Employee labor in excess of one (1) hour may be charged to the requestor, in addition to the cost per copy as provided in this section.
- F. For a request requiring more than one employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.
- G. If the city is assessed a charge to retrieve the requested records from archives or any other entity or outside vendor having possession of requested records, the records custodian may assess the requestor the cost assessed to the city.
- H. If a records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office, the cost assessed by the vendor to the governmental entity may be recovered from the requestor.
- I. If the public records requested are frail due to age or other conditions, and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.
- J. No duplication costs will be charged for requests for \$1.00 or less or for six (6) pages or less for black and white copies and two (2) pages for color copies.
- K. Payment is to be made by cash, credit card, or personal check made payable to the City of East Ridge.
- L. Payment in advance will be required when costs are estimated to exceed **\$10.00**.

VII. Aggregation of Frequent and Multiple Requests

- A. The City of East Ridge will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
- B. The level at which records requests will be aggregated is more than four (4) requests (*whether by agency, entity, department, office or otherwise*).
- C. 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.
- D. Routinely released and readily accessible records excluded from aggregation include, but are not limited to:
 - 1. Minutes of meetings
 - 2. Ordinances
 - 3. Resolutions