

PUBLIC RECORDS POLICY

**Washington County, Tennessee
Board of County Commissioners**

Adopted: May 22, 2017
Revised; January 27, 2023 (Contact information only)

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Washington County, Tennessee is hereby adopted by the Board of County Commissioners of Washington County, Tennessee to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) 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, 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 records of Washington County, Tennessee are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the Washington County Attorney’s Office and shall be posted online on the Washington County website. This Policy shall be reviewed annually and shall be applied consistently throughout the various offices, departments, and/or divisions of Washington County, Tennessee.

I. Definitions:

- A. 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.
- 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 Records Request Coordinator (“PRRC”): 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.

- D. 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 or directed 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 and in accordance with state law.
- 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 to provide any written communication required under the TPRA.
- C. Requests for inspection may be made in writing using the attached Form 1 and provided to the County Attorney’s Office, Post Office Box 555, Jonesborough, Tennessee 37659 or by email to tmatthews@washingtoncountyttn.org.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form 1 and provided to the County Attorney’s Office, Post Office Box 555, Jonesborough, Tennessee 37659 or by email to tstoots@washingtoncountyttn.org.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license or alternative acceptable form of identification is required as a condition to inspect or receive copies of public records.
- F. Public notices and agendas are available online at www.washingtoncountyttn.org.

III. Responding to Public Records Requests

- A. Public Records Request Coordinator (“PRRC”).
 - 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 Washington County 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. Utilizing the attached Form 2, 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
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing utilizing the attached Form 2, 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 including an offer to assist in clarification, if necessary.
 - iii. An exemption prevents disclosure of the record under the TPRA, providing the applicable exemption.
 - iv. Washington County, Tennessee 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 and provide the requestor with an estimate as to the time reasonably necessary to produce the records and/or make a determination of the proper response to the request utilizing the attached Form 2.
 - e. If the 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 is:
 - a. Name or title: Washington County Attorney's Office.
 - b. Contact information: Washington County Attorney's Office
Post Office Box 555
Jonesborough, Tennessee 37659
Phone: (423) 753-4864
Email: tmatthews@washingtoncountyttn.org
4. The PRRC shall report to the Board of County Commissioners on an annual basis regarding Washington County's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to the Policy.

B. Records Custodian.

1. Upon receiving a public records request from the PRRC, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503 and provide the same to the PRRC, if copies are requested. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to: (1) determine whether the requested records exist, (2) to search for, retrieve, or otherwise gain access to records, (3) to determine whether the records are open, (4) to redact records, (5) or for other similar reasons, then a records custodian shall provide the applicable reason to the PRRC who shall, within seven (7) business days from receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as Form 2, based on the form developed by the OORC.
3. If a records custodian determines that a public record request should be denied, he or she shall notify the PRRC who shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form attached as Form 1.
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 notify the PRRC who shall utilize the Public Records Request Response Form attached as Form 2 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 or 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 or PRRC 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 with assistance of the PRRC shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with PRRC or counsel or other appropriate parties regarding review and redaction of records.
2. Whenever a redacted record is provided, the records custodian or PRRC 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 will be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of Washington County should 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.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at the office of the PRRC or as specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's mailing address by the United State Postal Service.
- D. A requestor will not be allowed to make copies with personal equipment.

VI. Fees and Charges; Billing & Payment; Aggregation; Safe Harbor

- 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 utilizing the attached Schedule of Reasonable Charges for Copies of Public Records provided by the Office of the Open Records Counsel, Comptroller of the Treasury of Tennessee (“OORC”) attached hereto as Form 3 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 may be waived. Requests for waivers for fees equal to or more than \$10.00 must be presented to the County Attorney, who is authorized to determine if such waiver is in the best interest of Washington County, Tennessee and for the public good. Fees associated with aggregated records requests shall not be waived.
- D. Fees and charges for copies are as follows:
 - 1. \$0.15 per page for letter and legal sized black and white copies.
 - 2. \$0.50 per page for letter and legal sized color copies, if the record is maintained in color. The PRRC or records custodian shall advise the requestor that the record can be produced in either color or black and white. The requestor must request a color copy before it is produced in color.
 - 3. Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to retrieve the requested records. If the requestor chooses not to return to the records custodian’s office to retrieve the copies, the records custodian may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of the PRRC and records custodian to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
 - 4. Labor costs above the “labor threshold” which for purposes of this Policy is defined as the first hour incurred by the records custodian in producing the material.

- a. Labor costs will equal the hourly wage of the employee(s) reasonably necessary to produce the requested records, which shall be based upon the base wage of the employee not including benefits. If the employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked annually, e.g. an employee earning \$39,000 annually in salary who works a 37.5 hour week shall be deemed to be paid \$20 per hour.
 - b. In calculating the labor charge, the records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The records custodian will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the records custodian 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.
 - c. The records custodian must use the most cost efficient method of producing the requested records.
5. If an outside vendor is used, the actual costs assessed by the vendor to Washington County will be assessed to the requestor.
- E. Fees for duplex copies (two-sided copies) will be equivalent to the charge for two separate copies.
 - F. Payment is to be made in cash or by personal check payable to Washington County Trustee and presented to the PRRC or records custodian.
 - G. Payment in advance will be required when costs are estimated to exceed \$250.00.
 - H. Aggregation of Frequent and Multiple Requests
 1. Washington County, Tennessee will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC attached hereto as Form 4 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.

2. When aggregating:
 - a. The level at which records requests will be aggregated is by agency, department or office.
 - 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.
 - c. Routinely released and readily accessible records are excluded from this policy of aggregation as determined by the Office of the County Attorney.

I. Safe Harbor.

1. It is the intent of Washington County that Section VI of the foregoing Policy complies with the provisions of the Schedule of Reasonable Charges and Reasonable Charges for Frequent and Multiple Requests Policy developed by the OORC and that all responses to record requests made to Washington County and its departments, agencies, and offices comply with the policies developed by the OORC such that the Safe Harbor Policy established pursuant to T.C.A. § 8-4-604(a)(3) applies to Washington County.