

TAUD MODEL PUBLIC RECORDS POLICY FOR UTILITY DISTRICTS

Revised October 2017

PUBLIC RECORDS POLICY FOR _____ UTILITY DISTRICT

Pursuant to Tenn. Code Ann. § 10-7-503(g), _____ Utility District (the District) adopts this Public Records Policy 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.

I. Definitions:

A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. 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 ordinance or in connection with the transaction of official business by the District.

C. Public Records Request Coordinator: The individual designated in Section III.A.3 of this Policy who has the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. The Public Records Request Coordinator may also be the 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 will be made to the Public Records Request Coordinator ("PRRC") or his/her designee.

B. Requests for inspection only cannot be required 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 Public Records Request Form which is attached. Requests for inspection may be made in person at [insert address of District's principal office] or by mail at [insert District's mailing address]. Requests for inspection may be made by phone at [insert District's main office number] or by fax at [insert District's fax number]. Requests for inspection may also be submitted by email at [insert email address of District employee who is the designated PRRC].

D. Requests for copies, or requests for inspection and copies, must be made in writing by using the Public Records Request Form which is attached. Requests for copies may be

made in person at [insert address of District's principal office] or by mail at [insert District's mailing address]. Requests for copies may also be submitted by email at [insert email address of District employee who is the designated PRRC].

E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect or receive copies of public records. If the requestor does not have a Tennessee driver's license, the PRRC may accept a current, valid Tennessee voter's registration card.

F. The requestor may provide his or her identification in person or by sending an electronic copy to the PRRC.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC will review public record requests and make an initial determination of the following:

- a. If the requestor provided valid evidence of Tennessee citizenship;
- b. If the records requested are described with sufficient specificity to identify them; and
- c. If the District is the custodian of the records.

2. The PRRC will acknowledge receipt of the request and take any of the following appropriate actions:

- 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 (offer to assist in clarification);
 - iii. An exemption makes the record not subject to disclosure under the TPRA (provide the exemption in written denial);
 - iv. The District is not the custodian of the requested records; or

- v. The records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be clarified or narrowed.
 - d. If known, inform the requestor of the governmental entity which is the custodian of the requested records.
 - 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 is:
- a. Name or title: _____
 - b. Contact information: _____ [insert the District's physical and mailing addresses, phone number, fax number and email address of the PRRC].
4. The PRRC will report annually to the board of commissioners on the District's compliance with the TPRA pursuant to this Policy and will make recommendations, if any, for improvement or changes to this Policy.

B. Records Custodian

- 1. Upon receiving a public records request, a records custodian will 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, the District's legal counsel, or the Office of Open Records Counsel (OORC).
- 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 will, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached.
- 3. If a records custodian denies a public record request, he or she will deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.
- 4. If a records custodian reasonably determines the 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 will 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 clarified or 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 will prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with legal counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction will be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There will be no charge for only the inspection of open public records.
- B. The location for inspection of records within the District's office 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 will 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 payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service or other address as specified by the requestor.
- D. A requestor will not be allowed to make copies of records with personal equipment.

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 will 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 \$_____, the fees may be waived. Requests for waivers for fees above \$_____ must be presented to _____ who is authorized to determine if such waiver should be granted. Fees associated with aggregated records requests will not 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: _____.
 4. Labor when time exceeds one hour.
 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. No duplication costs will be charged for requests for less than [\$] [# of pages.]
- F. Payment is to be made in cash, by personal check or by credit card.
- G. Payment in advance will be required [when costs are estimated to exceed \$_____].
- H. Aggregation of Frequent and Multiple Requests
1. The District 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).
 2. If aggregating:
 - a. 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.
 - b. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: board meeting minutes, audits [list any others here.]

PUBLIC RECORD REQUEST RESPONSE FORM

[Insert _____ Utility District and Address]

[Date]

[Requestor's Name and Contact Information]:

In response to your records request received on [Date Request Received], our office is taking the action(s)¹ indicated below:

The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location:

_____ ; or

Being delivered via: USPS First Class Mail Electronically Other: _____

Your request is denied on the following grounds:

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

You are not a Tennessee citizen.

You have not paid the estimated copying/production fees.

The following state, federal, or other applicable law prohibits disclosure of the requested records:

_____.

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Records Custodian or Public Record Request Coordinator] [Name, Title, and Contact Information]

¹ If all requested records do not have the same response, so indicate.