

## Open Records Policy

Updated 2/21/24

### **SUBJECT**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Jackson, Tennessee is hereby effective 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 Jackson, Tennessee are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in City Recorder’s office and shall be posted online. This policy shall be reviewed annually at minimum and shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Jackson.

### **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.

I. **Public Records Request Coordinator**

Pursuant to Tenn. Code Ann. § 10-7-503(g)(4), the City Recorder's special assistant is designated as the City's Public Records Request Coordinator. The City Recorder's address and contact information is as follows:

Assistant to the City Recorder  
121 E Main Street Ste 203  
Jackson, Tennessee 38301  
(731) 425-8699  
[RecordsRequest@jacksontn.gov](mailto:RecordsRequest@jacksontn.gov)

II. **Requesting Access to Public Records**

- A. Public record requests shall be made to the PRRC or his/her designee or via online submission in order to ensure the public records request is routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only are not required to be made in writing. The PRRC will 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:
  - a. At City Hall, 121 E Main Street Jackson Tennessee on the Public Records Request Form, or
  - b. By phone at (731) 425-8699
  - c. By email to [RecordsRequest@jacksontn.gov](mailto:RecordsRequest@jacksontn.gov)
- D. Requests for copies, or requests for inspection and copies, **shall** be made in writing:
  - a. At City Hall, 121 E Main Street, Jackson, Tennessee on the Public Records Request Form, or
  - b. By email to [RecordsRequest@jacksontn.gov](mailto:RecordsRequest@jacksontn.gov)
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of a public record.
- F. Public notices, agendas, and minutes are available online at [www.jacksontn.gov](http://www.jacksontn.gov).

III. **Responding to Public Records Requests**

A. **Initial Determination**

The PRRC shall 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;  
and
3. If the City of Jackson is the custodian of the records

**B. Acknowledgement of Request; Response**

Upon receiving a public records request, the PRRC shall acknowledge receipt of the request and take any of the following actions:

1. Advise the requestor of this policy and the elections made regarding:
  - a. Proof of Tennessee citizenship;
  - b. Form(s) required for copies;
  - c. Fees; and
  - d. Aggregation of multiple or frequent requests
2. If appropriate, deny the request in writing utilizing correct forms, providing the appropriate ground such as one of the following:
  - a. The requestor is not, or has not presented evidence of being, a Tennessee citizen
  - b. The request lacks specificity including an offer to assist in clarification, if necessary.
  - c. An exemption prevents disclosure of the record under the TPRA, providing the applicable exemption.
  - d. The City of Jackson is not the custodian of the requested records.
  - e. The records do not exist.
3. If appropriate, contact the requestor to see if the request can be narrowed.
  - a. 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 appropriate forms.
  - b. 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.

Upon receiving a public records request from the PRRC, a records custodian shall:

1. 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, the City Attorney, or the OORC.
2. If not practicable to promptly provide requested records because:
  - a. Additional time is necessary to determine whether the requested records exist;
  - b. To search for;
  - c. Retrieve;

- d. Otherwise gain access to records;
  - e. To determine whether the records are open;
  - f. To redact records;
  - g. For other similar reasons, then
3. Within seven (7) business days from the records custodian's receipt of the request, provide PRRC with the requested documents, or the reason why the documents cannot be produced in the timeframe.
  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 custodian shall notify the PRRC, and the PRRC 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.
  5. If the record custodian discovers records responsive to the request were omitted, the custodian should contact the PRRC immediately for transmittal of the omitted records as quickly as practicable.

Upon the PRRC receiving documents from a records custodian pursuant to a records request, the PRRC shall

1. Provide requestor with a completed Public Records Response Form based on the form developed by the OORC; and
2. Promptly transmit records requested, or notify requestor that the records are ready for pickup. PRRC will notify requestor of the location and operating hours of where the documents are located.

#### **C. Records Available Online**

Many of the City's public records, including meeting agendas, minutes, ordinances and financial reports are available on the city's website: [jacksontn.gov](http://jacksontn.gov). If requested records are available on the city's website, the PRRC will advise the requestor accordingly

#### **IV. Denials**

If the custodian or PRRC denies a public records request, the PRRC shall deny the request in writing and shall use the Public Request Records Form. Denial of a request must be based on appropriate grounds such as one of the following:

1. The requestor is not, nor has not presented evidence of being a Tennessee citizen.
2. The request lacks specificity.
3. An exemption makes the record not subject to disclosure under the TPRA
4. The City is not the custodian of the requested records.
5. The records do not exist
6. The requestor has made two or more requests to inspect a public record within a six-month period, and for each request, the requestor failed to inspect the public record

within fifteen business days of receiving notice of the record's availability for inspection. In such cases, the city may deny any public records request from the same requestor for a period of six months from the date of the second request to inspect a public record. See Tenn. Code Ann. § 10-7-503(a)(7)(A)(viii)(a).

7. The requestor has made a request for copies of a public record and, after copies were produced, the requestor failed to pay the City the cost for producing such copies. In such cases, the City may deny any public records request from the same requestor until the requestor pays for such copies; provided that the requestor was given an estimated cost for producing the copies in accordance with this Policy and the requestor agreed to pay the estimated cost for such copies. See Tenn. Code Ann. § 107-503(a)(7)(A)(viii)(b).

**V. Confidential Records; Redaction**

To the extent that certain records have been designated by law as confidential, such confidential records are to be withheld from persons who have not been authorized to inspect them. 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 the City Attorney or other appropriate parties regarding the review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

**VI. Protection of Records**

All City personnel shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. If the public records requested are fragile due to age or other conditions, or if the records custodian determines that copying of the records may cause damage to the original records, the records custodian may deny a request for copies but shall offer to make an appointment for inspection of the records.

**VII. Inspection of Records**

- A. There will be no charge for inspection of open public records
- B. The location for inspection of records within the City of Jackson should be determined by either the PRRC or the records custodian
- C. Under reasonable circumstances, the PRRC may require an appointment for inspection or may require inspection of records at an alternate location

**VIII. 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

- 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.

**IX. Fees and charges**

Fees and charges for copies of public records should not be used to hinder access to public records.

- A. PRRC shall provide requestors with an itemized estimate of the charges prior to producing copies of the records and may require pre-payment of such charges before producing requested records. PRRC shall utilize the Schedule of Reasonable Charges for Copies of Public Records provided by the Office of the Open Records Counsel, Comptroller of the Treasury of Tennessee.
- B. 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. The actual cost of any medium upon which a record/information is being produced.
  - 4. Labor when time exceeds one (1) hour. Labor is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
    - i. Labor charges shall be based on the hourly rate of the employees that are necessary to produce the requested material after one (1) hour
    - ii. If more than one employee is involved in responding to the request then the following formula will be used: the one (1) hour of labor that cannot be assessed is to be subtracted from the total number of hours the highest paid employee spends on the request.
  - 5. If an outside vendor is used, the actual cost assessed by the vendor
- C. Fees for two-sided copies will be the equivalent to the charge for two separate copies.
- D. Payment is made in cash or by personal check payable to the City of Jackson and presented to the PRRC.
- E. Payment in advance will be required when costs are estimated to exceed \$50.00

**X. Aggregation of Frequent and Multiple Requests**

- A. The City of Jackson will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more that four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert)
- B. If more than four (4) requests are received within a calendar month:
  - 1. A records request will be aggregated at the department level.

2. The PRRC is responsible for making the determination that a group of individuals are working in concert.
3. The PRRC will inform the individuals that they have been deemed working in concert and they have the right to appeal the decision to the OORC.
4. Request for items that are routinely released and readily accessible are exempt. These records include:
  - i. Meeting Agendas
  - ii. Approved Minutes

XI. **Safe Harbor**

- A. It is the intent of the City of Jackson that Section IX 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 the City of Jackson 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 the City of Jackson.