

PUBLIC RECORDS POLICY OF THE DEPARTMENT OF STATE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for The Department of State is hereby adopted 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 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 Tennessee citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Department of State are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available online at www.sos.tn.gov, and shall be reviewed annually. This Policy shall be applied consistently throughout the various divisions of the Department of State; however it shall not apply to any entity that is administratively attached to the Department of State, including the Bureau of Ethics and Campaign Finance, the State Election Commission, or the Tennessee Sports Hall of Fame. Requestors should contact those entities directly concerning public records requests.

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: 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 to the Public Records Request Coordinator (“PRRC”) 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, by law, 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 only may be made orally in person or by phone at 615-741-2819. Requests may be made in writing using the attached Form A to be submitted to the PRRC at the following address:

Office of the Secretary of State
Attn: General Counsel
State Capitol, 1st Floor
Nashville, TN 37243

Requests may also be emailed to SOS.PRRC@tn.gov.

Requests must be directed to the PRRC. Requests made on social media or as comments on websites operated by the Department of State will not be accepted.

- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form A to be sent to the PRRC at the following address:

Office of the Secretary of State
Attn: General Counsel
State Capitol, 1st Floor
Nashville, TN 37243

A completed Form A may also be emailed to SOS.PRRC@tn.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 public records.

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, as determined by the PRRC;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Department of State 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, including:
 - i. The requirement of 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, 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. The PRRC shall provide the exemption in written denial.

- iv. The Department of State is not the custodian of the requested records; and/or
 - 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 Department of State.
 - 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:

General Counsel
Secretary of State's Office
State Capitol, 1st Floor
Nashville, TN 37243
(615) 741-2819
SOS.PRRC@tn.gov

4. The PRRC shall report to the governing authority on an annual basis about the Department of State'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. Upon receiving a public records request, a 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 or the 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 either the PRRC or the applicable records custodian shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a

completed Public Records Request Response Form which is attached as Form B based on the form developed by the OORC.

3. If a records custodian or PRRC denies a public record request, he or she shall 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 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.
5. If, within a time reasonably close to the original request, 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 Department of State 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 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 PRRC. Payment will be required prior to production of the records, or prior to production of the records via email to the requestor.
- C. Upon payment for postage and for production costs, copies will be delivered to the requestor's home address by the United States Postal Service if requested.
- 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 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.
- C. When fees for copies and labor do not exceed \$10.00 per requestor per calendar year, the fees may be waived.
- D. Unless otherwise provided by law, 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. Employee labor expense, when time exceeds 1 hour.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash or check payable to the Department of State, and delivered to the PRRC.

- F. Payment in advance will be required when estimated costs exceed \$10.00.
- G. Records requests in excess of four requests per month from the same requestor may be aggregated for computation of expenses.