

PUBLIC RECORDS POLICY FOR
HENRY COUNTY, TENNESSEE

Pursuant to TENN. CODE ANN. § 10-7-503(g), the following Public Records Policy for the Government of Henry County, Tennessee (“Henry County”) is hereby adopted by the Henry County Board of Commissioners 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 Henry County are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the office of the Henry County Mayor, Henry County Courthouse, First Floor, 101 East Washington Street, Paris, Tennessee. This Policy is posted online at <http://www.henrycountyttn.org>.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Henry County except for those offices, departments, or divisions of Henry County which have duly adopted separate public records policies that comply with TENN. CODE ANN. § 10-7-503(g), 2016 Public Chapter 722, and notified the Henry County Mayor of such adoption.

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.2 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”) 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 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 Records Request Form developed by the OORC (as amended from time to time). A copy of the Records Request Form (version current as of the adoption of this policy) is attached hereto and available online at <https://www.comptroller.tn.gov/openrecords/forms.asp>. A copy of the form may also be obtained from the

Public Records Coordinator. The request must be made (if in person) at the office of the Public Records Coordinator or the Public Records Custodian (if by mail) to the mailing address of the Public Records Coordinator. Requests may not be submitted by other means (unless required by law).

- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the aforesaid Records Request Form either (if in person) by hand delivery to the office of the Public Records Coordinator or (if by mail) mailed to the mailing address of the Public Records Coordinator.
- 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. Proof of citizenship must be attached to all written public records requests.
- F. Some public records are available online at the following websites:

- <http://www.henrycountyttn.org>
- <http://www.assessment.cot.tn.gov>
- <http://www.henrycountytrustee.com/>

Online records are provided for convenience only and are not guaranteed to be accurate or complete. URLs subject to change without notice.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

- 1. The PRRC shall review public record requests and either:
 - a. Forward the records request to the appropriate records custodian in Henry County.
 - b. If the request should have been made to an office, department, or division of Henry County which has adopted a separate public records policy as provided herein, forward the records request to the PRRC for that office, department, or division.
 - c. If requested records are in the custody of a different governmental entity and the PRRC knows the correct governmental entity, deny the records request on such basis and advise the requestor of the correct governmental entity and (if known) PRRC of that entity.
 - d. If requested records are not in the custody of Henry County (or the requested records do not exist), deny the records request on such basis.
- 2. The designated PRRC is:
 - a. Name or title: Henry County Mayor
 - b. Contact information: Henry County Courthouse, First Floor, 101 East Washington Street, Post Office Box 7, Paris, Tennessee. Phone: 731-642-5212.

B. Records Custodian

- 1. Upon receiving a public records request, a records custodian shall acknowledge receipt of the request 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 records custodian is the custodian of the records.
- 2. The Records Custodian shall 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. (Offer to assist in clarification)
 - iii. An exemption makes the record not subject to disclosure under the TPR. (Cite the exemption in written denial.)
 - iv. The Governmental Entity is not the custodian of the requested records.
 - v. The records do not exist.

If a records custodian denies a public record request, he or she shall deny the request in writing using the Public Records Request Response Form (based on the form developed by the OORC, as amended from time to time). A copy of the Records Request Response Form (version current as of the adoption of this policy) is attached hereto and available online at <https://www.comptroller.tn.gov/openrecords/forms.asp>.

- c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
 - e. 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 shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form.
 - f. 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.
 - g. If no exemption applies, the request is otherwise proper, and any required estimated fees have been paid, promptly make requested public records available in accordance with TENN. CODE ANN. § 10-7-503.
3. 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.
- 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 Henry 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 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.
- 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**, the fees may 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. Labor when time exceeds 1 hour.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
 - 5. If Tennessee law requires a different fee, the fee established by law shall be charged instead of the above-stated fee (see, for example, TENN. CODE ANN. § 8-21-401(i)(4), which establishes the per-page copying fee to be charged by court clerks).
- E. No duplication costs will be charged for requests for less than 5 pages.
- F. Payment is to be made in cash or by check payable to the Records Custodian's office and presented to the Records Custodian.
- G. Payment in advance will be required when costs are estimated to exceed **\$10.00**.
- I. Aggregation of Frequent and Multiple Requests
 - 1. Henry County 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. The level at which records requests will be aggregated is by office.
 - 3. 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.
 - 4. Routinely released and readily accessible records excluded from aggregation include, but are not limited to:

- a. Court Records maintained by the Henry County Circuit/Juvenile/General Sessions Court Clerk;
- b. Court Records maintained by the Henry County Chancery Court Clerk & Master;
- c. Tax rolls and assessment records maintained by the Henry County Property Assessor;
- d. Tax rolls maintained by the Henry County Trustee; and
- e. Recorded documents maintained by the Henry County Register of Deeds.

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: _____
[Insert Governmental Entity Name and Name and Contact Information for the Public Records Request Coordinator]

From: _____
[Insert Requestor's Name and Contact Information (include mailing address)]

Is the requestor a Tennessee citizen? **Yes** **No (attach proof of citizenship)**

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only ⁱ.)
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____? If so, initial here: _____.

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 Electronic Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor

Date Submitted

Signature of Public Records Request Coordinator

Date Received

Note: TENN. CODE ANN. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

PUBLIC RECORD REQUEST RESPONSE FORM
Government of Henry County, Tennessee | Post Office Box 7, Paris, TN 38242

Date: _____

[Requestor's Name and Address]: _____

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 at:

At [Location]: _____

On [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 the undersigned 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.