

## **RESOLUTION 17-90**

### **A RESOLUTION ESTABLISHING AN OPEN RECORDS POLICY FOR THE CITY OF SPRING HILL, TENNESSEE**

**WHEREAS**, pursuant to TCA § 10-7-503(g), the following Public Records Policy for The City of Spring Hill is hereby adopted by the Spring Hill Board of Mayor and Aldermen 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.

**WHEREAS** 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. (TCA § 10-7-503(a)(2)(A)) Accordingly, the public records of the City of Spring Hill are presumed to be open for inspection unless otherwise provided by law.

**WHEREAS**, Personnel of the City of Spring Hill 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 Spring Hill, 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 Spring Hill or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of the City Recorder. This Policy is posted online at [www.springhilltn.org](http://www.springhilltn.org). This Policy shall be reviewed periodically and amended as recommended by the OORC.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Spring Hill.

#### **Definitions:**

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. (TCA § 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. (TCA § 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. (TCA § 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 [or via online submission] in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

- B. Requests for inspection shall 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 shall be made in writing using the attached, “Public Records Request Form” at 199 Town Center Parkway or by phone at (931)486-2252.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing “Public Records Request Form” at 199 Town Center Parkway, Spring Hill, TN 37174, or on the city’s website: [www.springhilltn.org](http://www.springhilltn.org) The completed form may be delivered in person, mailed or emailed to the PRRC at: [agoad@springhilltn.org](mailto:agoad@springhilltn.org)
- 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.** Requestors should note that public notices, public meeting minutes and other legislation of the City of Spring Hill, Tennessee are readily available on the city website: [www.springhilltn.org](http://www.springhilltn.org) and do not require submission of a request.

**IV. 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;
  - b. If the records requested are described with sufficient specificity to identify them; and
  - c. If the Governmental Entity 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 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)
  - 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 will provide the exemption in written denial;
    - iv. The Governmental Entity 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 in the City of Spring Hill.
  - 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: April Goad, City Recorder
  - b. Contact information: Phone: (931)486-2252; fax number: (931)486-0516  
Physical address: 199 Town Center Parkway, Spring Hill, TN 37174  
Mailing address: P.O. Box 789, Spring Hill, TN 37174
4. The PRRC shall report to the governing authority on request regarding the Governmental Entity'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 TCA § 10-7-503. 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 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 which is attached, based on the form developed by the OORC.
- 3. If a records custodian 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 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.
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.

## **V. 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 City of Spring Hill should be determined by either the PRRC or the records custodian.

**VI.** Under reasonable circumstances, the PRRC or a records custodian may require an appointment during regular business hours for inspection or may require inspection of records at an alternate location.

## **VII. 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 or service requested and paid for by the Requestor.
- D. Requestors may be allowed to make copies of records with personal equipment but will not be allowed to take records off city property.

### **1. 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 using "Public Records Request Form" 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 \$1.00, 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. \$1.00 per page for fax transmissions
  4. Labor when time exceeds 1 hour.
  5. If an outside vendor is used, the actual costs assessed by the vendor.

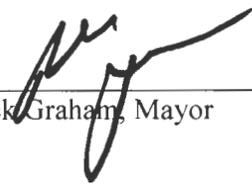
E. Payment is to be made in cash, credit or debit card (subject to third-party transaction fees), or personal check made payable to the City of Spring Hill presented to the PRRC or the Records Custodian.

F. Payment in advance will be required when costs are estimated to exceed \$10.00.

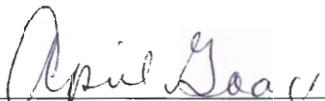
**NOW, THEREFORE BE IT RESOLVED**, that the Board of Mayor and Aldermen of the City of Spring Hill hereby approves the Public Records Policy, pursuant to TCA § 10-7-503(g) and in accordance with the Tennessee Public Records Act.

**BE IT FURTHER RESOLVED**, that all resolutions or parts of resolutions in conflict herewith, be and same hereby, are repealed or modified as the case may be.

Passed and adopted this 21<sup>st</sup> day of August, 2017.

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney



**Justin P. Wilson, Comptroller**

January 20, 2017

## **Office of Open Records Counsels Creates Model Public Records Policy**

For the first time in state history, Tennessee government entities now have a model policy to help define how public records requests are handled.

The Comptroller's Office of Open Records Counsel (OORC) established a model public records policy to assist all Tennessee government entities. The model policy was created after Representative Bill Dunn and Senator Richard Briggs led the passage of Public Chapter 722 during the 109<sup>th</sup> Tennessee General Assembly.

Public Chapter 722 requires every governmental entity subject to the Tennessee Public Records Act to establish a written public records policy by **July 1, 2017**. The policy must be adopted by the appropriate governing authority, and the OORC model policy will serve as a helpful resource.

A public records policy must cover the process for making and responding to public records requests, redaction of records, and how fees, if any, are charged for copies. Additionally, the policy must identify who has been designated the Public Records Request Coordinator for the entity.

"This model policy will be an excellent resource for the hundreds of government entities across Tennessee," said Comptroller Justin P. Wilson. "The Comptroller's Office of Open Records Counsel stands ready to assist government employees in preparing their entities' policies."

The OORC established the model public records policy after receiving public comments, including comments from members of the Advisory Committee on Open Government.

To view the model policy online, go to: <http://www.comptroller.tn.gov/openrecords/forms.asp>

Media contact: John Dunn, Public Information Officer, (615) 401-7755 or [john.dunn@cot.tn.gov](mailto:john.dunn@cot.tn.gov)





**CITY OF SPRING HILL**

**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:** City of Spring Hill, City Recorder

**From:** \_\_\_\_\_

**Is the requestor a Tennessee citizen?**  Yes  No

- Request:**  Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>1</sup>.)
- 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.

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Signature of Requestor and Date Submitted  
Received

Signature of Public Records Request Coordinator and Date

<sup>1</sup> 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
City of Spring Hill

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:

- Public record(s) responsive to your request will be made available for inspection:
Copies of public record(s) responsive to your request are:
Your request is denied on the following grounds:
It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

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,

April Goad, City Recorder
(931)486-2252, ext. 206
agoad@springhilltn.org

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