CITY OF SWEETWATER

PUBLIC RECORDS POLICY PUBLIC RECORDS POLICY

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

Personnel of the City of Sweetwater 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 Sweetwater, shall be protected as provided by current law.

Concerns about this Policy should be addressed to the Public Records Request Coordinator/ City Administrator or to the Tennessee Office of Open Records Counsel ("OORC"). This Policy is available for inspection and duplication in the office of the City Adminstrator at City Hall. This Policy shall be reviewed every two years. This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Sweetwater.

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 ordinances 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

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 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 attached Form] at City Hall, 203 Monroe Street, P.O. Box 267, Sweetwater, TN 37874 or via phone at 423-337-6979 or via email at jmorgan@sweetwatertn.gov.

D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form at City Hall, 203 Monroe Street, P.O. Box 267, Sweetwater, TN 37874 or via phone at 423-337-6979 or via email at jmorgan@sweetwatertn.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;

    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); 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.

    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 City of Sweetwater

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(s) is(are):

a. Name or title: Jessica Morgan, City Administrator or her designee

b. Contact information: P.O. Box 267, 203 Monroe Street, Sweetwater, TN 37874.

Phone: 423-337-6979 Fax: 423-337-9663, email: jmorgan@sweetwatertn.gov

4. The PRRC(s) shall report to the governing authority on an annual basis about 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 Tenn. Code Ann. § 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 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 City of Sweetwater 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. Upon request, the PRRC may determine that a digital photo may be taken of records.

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. The first request annually of up to 50 pages is provided at no charge. Additional costs are described in the city's most current schedule of fees.

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 $5.00, the fees may be waived. Requests for waivers for fees above $5 must be presented to the City Administrator, who is authorized to determine if such waiver is in the best interest of City of Sweetwater and for the public good.

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 one hour.

4. If an outside vendor is used, the actual costs assessed by the vendor.

E. Payment is to be made payable to the City of Sweetwater, presented to the City Administrator

F. Payment in advance will be required when costs are estimated to exceed $50.

G. Aggregation of Frequent and Multiple Requests

1. The City of Sweetwater may 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. For aggregating:

a. The level at which records requests will be aggregated is by entity.

b. 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.

c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: Minutes, Ordinances, and property tax reports.

The City of Sweetwater, Tennessee
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: Jessica Morgan, City Administrator, City of Sweetwater TN

From: (Requestor's Name & Address & Phone)

_____

_____

Is the requestor a Tennessee citizen? o Yes o No

Request:

- o Inspection (The TPRA does not permit fees or require a written request for inspection only.)
- o 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:
o On-Site Pick-Up
o USPS First-Class Mail
o Electronic

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 and Date Submitted

_____ _____

Signature of Public Records Request Coordinator and 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
City of Sweetwater Tennessee

Requester:
In response to your records request received by the PRRC on _____, our office is taking the action(s) indicated below:

oThe 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:

o Attached;

o Available for pickup or inspection at the following location:
_____ ; or

o Being delivered via: o USPS First-Class Mail o Electronically o Other: _____.

o Your request is denied on the following grounds:

o 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).

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

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

o You are not a Tennessee citizen.

o You have not paid the estimated copying/production fees.

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

_____
_____.

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

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

o 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 Jessica Morgan, City Administrator at City Hall.