

PUBLIC RECORDS POLICY

for

THE TENNESSEE DEPARTMENT OF MILITARY

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Tennessee Department of Military is hereby adopted by the Tennessee Department of Military to provide economical and efficient access to public records as provided under the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-503 *et seq.* (“TRPA”).

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. Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Tennessee Department of Military are presumed to be open for inspection unless otherwise provided by state law.

Personnel of the Tennessee Department of Military shall timely and efficiently provide access and assistance to Tennessee citizens 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 Tennessee Department of Military shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Tennessee Department of Military.

This Policy is available for inspection and duplication at the Tennessee Department of Military and is posted online at <http://tn.gov/military/topic/office-of-the-general-counsel-military>. This Policy shall be reviewed as needed, but no less frequently than every two years.

This Policy shall be applied consistently throughout the Tennessee Department of Military.

I. DEFINITIONS:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. 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. 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 records requests are routed to the appropriate records custodian and are fulfilled in accordance with the TRPA. 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 Record Request Coordinator (“PRRC”) or his/her designate in order to ensure public records 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 shall, however, request a U.S. mail address or email address from the requestor in order to provide any written communication required under the TRPA.
- C. Requests for inspection may be made: (1) by telephone at (615) 313-0756; (2) in person at the Tennessee Department of Military, 3041 Sidco Drive, Nashville, TN 37204; (3) by U.S. Mail at the Tennessee Department of Military, Attn: Laura Scruggs, 3041 Sidco Drive, Nashville, TN 37204 using the attached Public Records Request Form; (4) or by email at TNMilitary.OpenRecords@tn.gov using the attached Public Records Request Form.
- D. Requests for copies shall be made in writing using the attached Public Records Request Form and may be made: by U.S. Mail or in person at the Tennessee Department of Military, 3041 Sidco Drive, Nashville, TN 37204; or by email at TNMilitary.OpenRecords@tn.gov.

- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or a Tennessee photo ID card is required as a condition to inspect or receive copies of public records. *Please include a copy of your identification with your initial request.*
- F. Copies of the Public Records Request form are available at <http://tn.gov/military/topic/office-of-the-general-counsel-military>.

III. RESPONDING TO PUBLIC RECORDS REQUESTS

A. Public Records Request Coordinator

1. The PRRC shall review public records 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 Tennessee Department of Military is the custodian of the requested records.
2. The PRRC shall acknowledge receipt of the request and take the following actions, if appropriate:
 - a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof Tennessee citizenship;
 - ii. Form 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 and/or needs clarification;
 - iii. The Tennessee Department of Military is not the custodian of the requested records; or
 - iv. The requested records do not exist.

- c. Contact the requestor to see if the request can be narrowed and/or clarified;
- d. Forward the public records request to the appropriate records custodian(s) in the Tennessee Department of Military with notice of the date the request was received and the deadline for when a response to the request is due;
- e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct government 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: Laura Scruggs, Assistant General Counsel
- b. Contact information: Tennessee Department of Military, 3041 Sidco Drive, Nashville, TN 37204; Phone: (615) 313-0756; TNMilitary.OpenRecords@tn.gov.

B. Records Custodian

- 1. Upon receiving a public records request from the PRRC, if the requested records are practicably available and not exempt from disclosure, a records custodian shall promptly make the requested public records available pursuant to Tenn. Code Ann. § 10-7-503(a)(2)(B)(i). If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC or the Office of the Tennessee Attorney General.
- 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 subject to inspection; to redact records; or for other similar reasons, then the records custodian shall inform the PRRC, who shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a completed Public Records Request Response Form developed by the Office of Open Records Counsel, a copy of which is attached or can be found at <http://tn.gov/military/topic/office-of-the-general-counsel-military>.

3. If a records custodian reasonably determines that production of records should be in installments, the records custodian shall inform the PRRC, who shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a Public Records Request Response Form informing the requestor that the production of records will be in installments and that a records production schedule will be provided as expeditiously as practicable.
4. If a records custodian determines that a public records request should be denied because of an applicable exemption, the records custodian shall inform the PRRC, who shall, within seven (7) business days from the PRRC's receipt of the request, deny the request in writing using the Public Records Request Response Form.
5. If a records custodian discovers public records responsive to a records request were omitted in a production, the records custodian shall notify the PRRC, who shall contact the requestor concerning the omitted documents and produce those public 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 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, which shall be general in nature and not disclose confidential information. A records custodian is otherwise not required to provide any sort of privilege log.

D. Inspection of Records

1. There shall be no charge for inspection of public records that are subject to inspection under the TPRA.
2. Inspection of records shall take place at the offices of the Tennessee Department of Military, 3041 Sidco Drive, Nashville, TN 37204. The

location for inspection of records within the offices of the Tennessee Department of Military shall be determined either by the PRRC or the appropriate records custodian.

3. Appointments for inspection of public records are required and may be scheduled by emailing the Department at TNMilitary.OpenRecords@tn.gov.

E. Copies of Records

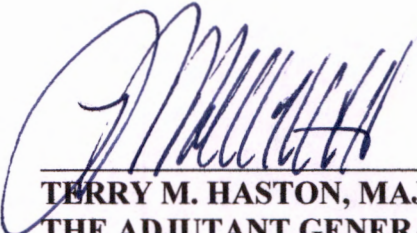
1. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
2. Copies will be available for pickup at the Tennessee Department of Military, 3041 Sidco Drive, Nashville, TN 37204.
3. Upon payment for postage, copies will be mailed to the requestor's home address by the United States Postal Service.
4. A requestor will not be allowed to make copies of records with any type of personal equipment, including but not limited to cell phones, portable scanners, or portable copy machines.

F. Fees and Procedures For Billing and Payment

1. Fees for copies of public records shall not be used to hinder access to public records.
2. Pursuant to the Rules of the Military Department of Tennessee, Chapter 0930-03-01, Rules and Regulations for Access to Public Records, if fees for copies and labor total \$10.00 or less, the Department shall waive the fees.
3. Prior to producing copies of records, records custodians shall provide requestors with an itemized estimate of the fees, to the extent possible.
4. Pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(C)(i), upon a request for copies of records, the Tennessee Department of Military shall assess fees for the copying and labor based on the most current version of the "Schedule of Reasonable Charges" issued by the Office of Open Records Counsel, available at <http://www.comptroller.tn.gov/openrecords/>.
5. Payment is to be made by cashier's check, money order or personal check made payable to the Military Department of Tennessee. A personal check cannot exceed the amount of \$500.00.

6. Payment in advance is required for all requests for copies of records.
7. The Tennessee Department of Military will not aggregate records requests when more than four (4) requests are received within a calendar month, either from a single individual or a group of individuals deemed working in concert and adopts the "Frequent and Multiple Request Policy" and any successor policy developed by the Office of Open Records Counsel available at <https://www.comptroller.tn.gov/openrecords/>.

APPROVED BY:



TERRY M. HASTON, MAJOR GENERAL
THE ADJUTANT GENERAL
TENNESSEE DEPARTMENT OF MILITARY

DATE: 10 AUG 2017

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 an address for any TPRA required written response)]

Is the requestor a Tennessee citizen? Yes No

- Request:** Inspection (The TPRA does not permit fees or require a written request for inspection onlyⁱ.)
 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 and Date Received

ⁱ 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

Governmental Entity Name and Address: _____

Date: _____

Requestor's Name and Contact Information: _____

In response to your records request received on _____ our office is taking the action(s)¹ indicated below: *[Date Request Received]*

The 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:

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 [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Name, Title, and Contact Information]

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