



PUBLIC RECORDS POLICY TENNESSEE COMPTROLLER OF THE TREASURY

A. Purpose and Scope.

- (1) Pursuant to Public Chapter 712, Acts of 2018, the Tennessee Comptroller of the Treasury (“Comptroller”) adopts the following Public Records Policy for the Office of the Comptroller to provide economical and efficient access to public records held by the Comptroller as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. §§ 10-7-501, *et seq.*
- (2) This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Office of the Comptroller as well as to the following: State Board of Equalization, State Funding Board, Local Development Authority, State School Bond Authority, Utility Management Review Board, and Water and Wastewater Financing Board.
- (3) In accordance with this Policy, personnel in the Office of the Comptroller 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 Office, shall be protected as provided by current law. Requestors who have concerns about this Policy should contact the Public Records Request Coordinator for the Office of the Comptroller (“PRRC”) or the Tennessee Office of Open Records Counsel (“OORC”). Personnel in the Office of the Comptroller should address their concerns to the PRRC or to the General Counsel.
- (4) Public Records Request Coordinator Information:
 - (a) The PRRC is located within the Division of Administration of the Office of the Comptroller. The contact information for the PRRC is:

Tennessee Comptroller of the Treasury
Division of Administration
Cordell Hull Building
425 5th Avenue North
Nashville, TN 37243
Phone: (615) 401-7786
Fax: (615) 741-1551
Email: recordrequests@cot.tn.gov
 - (b) Current contact information for the PRRC shall be posted on the Office of the Comptroller's website.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

B. Definitions

- (1) 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.
- (2) Public Records Request Coordinator or PRRC. The individual, or individuals, 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 TPRA.
- (3) Records Custodian. The office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the public record.
- (4) Requestor. A person seeking access to a public record, whether for inspection or duplication.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

C. Requesting Access to Public Records

- (1) Public records requests, whether written or oral, should be made to the PRRC to ensure public records requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Public records requests must include the following information clearly and concisely expressed:
 - (a) name and contact information (in order to provide any communication required under the TPRA);
 - (b) detailed description of the records being requested, including type, timeframe, subject matter or key words, and any other information identifying the public records;
 - (c) statement whether the request is for inspection or receipt of copies, or both; and
 - (d) delivery preference, if requesting copies.
- (3) Proof of Tennessee citizenship by presentation of a valid Tennessee driver license is required as a condition to inspect or receive copies of public records and must be presented with the request. To the extent that the requestor cannot provide a Tennessee driver license, the PRRC may accept an alternative form of identification for proof of Tennessee citizenship. The PRRC may waive the requirement of subsequent presentation of a Tennessee driver license if the requestor has previously provided proof of Tennessee citizenship. Proof of citizenship for offenders currently housed in Tennessee state prisons may be confirmed through the Department of Corrections.
- (4) Requests for inspection may be made:
 - (a) in person at the office of the PRRC;
 - (b) by phone to the PRRC; or

- (c) in writing, physically or electronically delivered to the PRRC.
- (5) Requests for copies, or requests for inspection and copies, shall be made in writing and include the information as specified in (2) above. No specific form is required; a requestor may use the OORC Public Records Request form which is available on the OORC website and from the PRRC.
- (6) Requests made on social media or as comments on the Comptroller's website will not be accepted. Requests should be made in the appropriate manner, directed to the PRRC as provided herein, in order to receive prompt attention.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

D. Responding to Public Records Requests

- (1) The PRRC shall review public records requests and make an initial determination whether:
 - (a) proof of Tennessee citizenship has been submitted;
 - (b) the description of the records is sufficient to allow specific identification;
 - (c) the Office of the Comptroller is the custodian of the records; and
 - (d) the records qualify as public records under the TPRA or are subject to an exemption to access.
- (2) The PRRC shall acknowledge receipt of the request and take any appropriate actions.
- (3) If not practicable to provide the requested records promptly, the PRRC shall, within seven (7) business days from the receipt of the request, respond to the requestor with a completed Public Records Request Response form or an email with equivalent information stating the time reasonably necessary to produce the records or information.
- (4) If a public records request is denied, the PRRC shall deny the request in writing, providing the basis for the denial.
- (5) If the PRRC reasonably determines production of public records should be segmented because the public records request is for a large volume of records, or additional time is necessary to prepare the public records for access, the PRRC shall notify the requestor that production of the public records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the PRRC will contact the requestor to see if the request can be clarified or narrowed in order to expedite access.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

E. Redaction

- (1) If a public record contains confidential information or information that is not open for public inspection, the PRRC or the records custodian shall prepare a redacted copy prior to providing access.

- (2) Whenever a redacted record is provided, the PRRC shall provide the requestor with the basis for redaction without revealing confidential information.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

F. Access to Public Records

- (1) Inspection:
 - (a) There shall be no charge for inspection of public records.
 - (b) The location for inspection of public records in the Office of the Comptroller will be determined by the PRRC and shall occur during times in which the Office of the Comptroller is otherwise open for business at the office location of the PRRC in Nashville.
 - (c) Under reasonable circumstances, the PRRC may require an appointment for inspection or may require inspection of public records at an alternate location.
- (2) Copies:
 - (a) Copies will be available for pickup at a location specified by the PRRC.
 - (b) A requestor may pay for postage to have copies delivered to the requestor's home address by the United States Postal Service.
 - (c) Electronic records that can be sent in a single transmission will be sent by email; otherwise, responsive electronic records will be provided on an electronic storage device.
 - (d) The PRRC may allow a requestor to make copies of inspected public records with personal equipment at the inspection location, upon prior approval by the PRRC and payment in advance of any costs and fees incurred by the Office of the Comptroller in preparing the records to be copied. A requestor will not be allowed to connect any personal equipment to an Office of the Comptroller end-point device or the network and will not be allowed to jeopardize the integrity or organization of the records.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

G. Fees and Charges and Procedures for Billing and Payment

- (1) The PRRC will provide requestors with an itemized estimate of the charges prior to producing copies of public records. Requestors must pre-pay the estimate before the public records will be produced. If the estimate paid by the requestor exceeds the actual costs to produce the records, the requestor will be reimbursed any costs in excess of the estimate.
- (2) When fees for copies and labor do not exceed an amount established by the Comptroller, the fees may be waived by the PRRC. Requests for waivers for fees above the established amount must be presented to the PRRC, who will present the request to the Comptroller for determination whether such waiver is in the best interest of the Office of the Comptroller and is for the public good. Fees associated with aggregated public records requests will not be waived.

- (3) Fees and charges for copies are as follows:
 - (a) Per page for letter and legal sized copies, at the safe-harbor amounts set forth in the OORC's Schedule of Reasonable Charges.
 - (b) Labor when time exceeds one (1) hour.
 - (c) If an outside vendor is used, the actual costs assessed by the vendor.
 - (d) For storage devices, such as flash drives, and other office items, the cost incurred by the Office of the Comptroller.
- (4) Requestors must pay by personal or cashier's check payable to the Office of the Comptroller delivered as specified by the PRRC. If a requestor's check does not clear, the Office of the Comptroller will not comply with any public records requests by that requestor until payment, including any processing fees related to the check, is received in full pursuant to Tenn. Code Ann. § 10-7-503(a)(7)(A)(vii)(b).

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

H. Aggregation of Frequent and Multiple Requests

- (1) The Office of the Comptroller will aggregate public records requests for records of the Office of the Comptroller in accordance with the Reasonable Charges for Frequent and Multiple Requests Policy promulgated by the OORC 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).
- (2) The PRRC is responsible for making the determination whether a group of individuals is working in concert. The PRRC must inform the individuals that they have been deemed to be working in concert and that they have the right to have the decision reviewed by the OORC.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*

I. Failure to Inspect or to Pay for Copies

- (1) If a requestor makes two (2) or more requests to view a public record within a six-month period and, for each request, the requestor fails to view the public record within fifteen (15) business days of receiving notification that the record is available to view, the Office of the Comptroller will not comply with any public records request from that requestor for a period of six (6) months from the date of the second request to view the public record unless the Comptroller determines there was good cause for the failure to view the public record.
- (2) If, after agreeing to pay an estimated cost prior to the production of copies, a requestor fails to pay the cost to produce the requested copies, the Office of the Comptroller will not comply with any public records requests from the requestor until payment is received.

Authority: Tenn. Code Ann. § 8-4-108 and §§ 10-7-501, *et seq.*