



Administrative Policies and Procedures: 1.02

Subject: Public Records Policy for the Tennessee Department of Human Services

Date Approved: 06/29/2017

Approval by: Dezanne Russell, DHS Deputy General Counsel

Effective Date: 07/01/2017

Authority: Tenn. Code Ann. § 10-7-503(g); Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq.

Application: All TDHS Employees

Policy Statement:

The integrity and organization of public records, as well as the efficient and safe operation of the Tennessee Department of Human Services (TDHS), shall be protected as provided by current law. Therefore, the TDHS will provide timely and efficient access and assistance to Tennessee citizens requesting to view or receive copies of public records.

Purpose:

This policy informs citizens how to request and receive public TDHS records and sets procedures for TDHS employees to respond to requests for TDHS public records.

Procedures:

- A. Requesting Access to Public Records**
1. Public record requests shall be made to the Public Records Request Coordinator or his/her designee [or via online submission] to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
 2. Request for inspection may be made orally or in writing at 400 Deaderick Street, 15th floor, Nashville, Tennessee 37243, the local office where the records are maintained or by e-mail at DHS.PublicRecords@tn.gov
 3. The Coordinator should request a mailing or email address from the requestor for providing any written communication required under the Tennessee Public Records Act (TPRA).
 4. Requests for copies, or requests for inspection and copies, shall be made in writing at 400 Deaderick Street, 15th Floor, Nashville, Tennessee 37243, facsimile at (615) 532-3016, or the local office where the records are maintained.
 5. A valid Tennessee driver’s license (or other photo identification) shall be required, when necessary to verify citizenship of the state, when requesting to inspect or receive copies of public records.

B. Coordinator Responses to Public Records Requests

The Coordinator shall review public record requests and make an initial determination of the following:

- a) If the requestor has verified Tennessee citizenship;
 - b) If the records requested are described with sufficient specificity to identify them; and
 - c) If TDHS is the custodian of the records.
1. The Coordinator 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:
 - Proof of Tennessee citizenship;
 - Fees (and labor threshold and waivers, if applicable); and
 - Aggregation of multiple or frequent requests.
 - b) If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - The request lacks specificity.
 - An exemption makes the record not subject to disclosure under the TPRA.
 - TDHS is not the custodian of the requested records.
 - 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 TDHS.
 - e) If requested records are in the custody of a different governmental entity, and the Coordinator knows the correct governmental entity, advise the requestor of the correct governmental entity and Coordinator for that entity if known.

3. The Coordinator may be contacted at:

Department of Human Services
Public Records Requests Coordinator
400 Deaderick Street, 15th floor
Nashville, Tennessee 37243
Phone: 615-313-4731
e-mail: DHS.PublicRecords@tn.gov

C. Records Custodian Response to Public Records Requests

- 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 Coordinator, Legal counsel, or the Office of Open Records Counsel (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 the Coordinator or designated records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a public records request response indicating anticipated time for a response.

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.
4. If the Coordinator 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 Coordinator shall notify the requestor in writing 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 Coordinator should contact the requestor to see if the request can be narrowed.
5. If the Coordinator discovers records responsive to a records request were omitted, the PRRC should contact the requestor concerning the omission and produce the records as quickly as practicable.

D. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the Coordinator shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Coordinator should coordinate with appropriate parties regarding review and redaction of records. The Coordinator may also consult with the OORC or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, the Coordinator should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

E. Inspection of Records

1. There shall be no charge for inspection of open public records.
2. The location for inspection of records within the offices of the Department of Human Services should be determined by either the Coordinator or the records custodian.
3. Under reasonable circumstances, the Coordinator or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

F. 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 a location specified by the Coordinator.
3. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
4. Whenever practical, a requestor may be allowed to make copies of records with personal equipment upon advance payment of the costs for staff time hours spent retrieving, reviewing, and redacting documents.

G. Fees and Charges and Procedures for Billing and Payment

1. Fees and charges for copies of public records shall not be used to hinder access to public records.
2. 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.
3. When fees for copies and labor do not exceed \$10.00, the fees may be waived.
4. Fees and charges for copies are as follows:
 - a) \$0.15 per page for letter- and legal-size black and white copies.
 - b) \$0.50 per page for letter- and legal-size color copies.
 - c) \$10.00 per digital disc.
 - d) Hourly rate of employee when staff time exceeds one hour.
 - e) If an outside vendor is used, the actual costs assessed by the vendor.
5. Payment is to be made by check or money order payable to Treasurer, State of Tennessee.
6. Payment in advance may be required.
7. Aggregation of Frequent and Multiple Requests
 - a) TDHS 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).
 - b) The Coordinator is responsible for making the determination that a group of individuals are working in concert. The Coordinator 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.

Forms NONE

Collateral Documents NONE

Additional Resources NONE

Retention of Records [SW35 Open Records Request](#)

Glossary:

Term *Definition*

Office of Open The Office of Open Records Counsel is a division of the Comptroller of the

Records Counsel	Treasurer that serves citizens, media, and local governmental entities as a resource for issues related to Tennessee’s public records and open meetings laws. Although the Office assists requestors in determining and locating the correct governmental records custodian, the Office does not serve as a clearinghouse for all public records requests and does not make public record requests on behalf of others.
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 Tennessee Public Records Act. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
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).
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.
Requestor	A person seeking access to a public record, whether it is for inspection or duplication.

Acronyms:

<i>Abbreviation</i>	<i>Expansion</i>
OORC	Office of Open Records Counsel
TPRA	Tennessee Public Records Act