

**PUBLIC RECORDS POLICY
FOR THE
TOWN OF SMYRNA**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Town of Smyrna is hereby adopted by Smyrna Town Council 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, 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. Accordingly, the public records of the Town of Smyrna are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Town 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 Town, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Town or to the Tennessee Office of Open Records Counsel.

This Policy is available for inspection and duplication in the office of the Public Record Request Coordinator, 315 South Lowry Street, Smyrna, TN 37167. This policy is posted online at www.townofsmyrna.org. This policy will be reviewed annually by the Public Records Request Coordinator and the Town legal department with recommended changes, if any, being submitted to the Town Council for approval.

I. Definitions:

- A. 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.
- B. Public Records Request Coordinator: The individual, or individuals, in the Administration Department 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 law. The Public Records Request Coordinator may also be a records custodian.
- C. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. Typically this official will be a Department head or his or her designee or designees. The records custodian is not necessarily the original preparer or receiver of the record.
- 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 at 315 South Lowry Street, Smyrna, TN 37167, via the website at www.townofsmyrna.org or by email at openrecords@townofsmyrna.org in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B.* Any record request received by any Town employee other than the Public Records Request Coordinator shall immediately be forwarded to the Public Records Request Coordinator for prompt processing.
- C.* The requester's mailing or email address may be requested by the Town at the time of the records request for the purposes of providing any written communication required under the act.
- D.* Requests for inspection may be made in writing using the form attached to this Public Records Policy. Requests for inspection may be made in person or by mail at 315 South Lowry Street, Smyrna, TN 37167, by fax at (615) 355-5715, via the website at www.townofsmyrna.org or by email at openrecords@townofsmyrna.org. Requests for inspection may also be made orally by calling (615) 459-2553. Requests not presented in writing may be reduced to writing by the Public Records Request Coordinator and acknowledged by the requester to assure clarity of the request.
- E.* Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form. The completed Form can be returned to the Public Records Request Coordinator in person or by mail at 315 South Lowry Street, Smyrna, TN 37167 or by completing the Form on the website at www.townofsmyrna.org.
- F.* Proof of Tennessee citizenship by presentation of a valid government-issued photo identification that includes the requester's address is required as a condition to inspect or receive copies of public records. In the event that the requester does not have a valid government-issued, then the requester shall provide other forms of identification which is deemed acceptable to the purposes of proving citizenship to the Town of Smyrna.

III. Responding to Public Records Requests

- A.* The Public Records Requests Coordinator is the Town Clerk.
- B.* The Public Records Request Coordinator's contact information is:

Public Records Request Coordinator
Town of Smyrna
315 South Lowry Street
Smyrna, TN 37167

- C.* The Public Record Request Coordinator is responsible for the following:
 - 1. Determining whether the requester has provided sufficient proof of Tennessee citizenship;
 - 2. Determining if the request has been made on the proper form;
 - 3. Determining if the records requested are described with sufficient specificity to identify them;

4. Determining if the Town is the custodian of the records or if not advise the requester of the appropriate governmental entity, if known by the Public Records Requests Coordinator;
5. Acknowledging receipt of the public records request within seven (7) days of the proper receipt of the request and notify the requester within seven (7) business days if the request cannot be fulfilled;
6. Advising the requestor of the fees and labor threshold and waivers, if applicable, that is associated with fulfilling the request;
7. Aggregating multiple or frequent requests.
8. If deemed appropriate, contact the requestor to see if the request can be narrowed;
9. If appropriate, deny the request in writing, providing the appropriate grounds for such denial, which may include, but is not limited to' lack of proof of Tennessee citizenship, lack of specificity; an exemption makes the record not subject to disclosure under the Act; lack of custodianship of the requested records; lack of existence of the requested records; or the confidential status of a record under the Act or other applicable law; and
10. Forward the records request to the appropriate records custodian within the Town.

D. Records Custodian is responsible for the following:

1. Upon receiving a public records request, a Records Custodian shall promptly make available requested public records not protected from disclosure by law. If the Records Custodian is uncertain that an exemption applies, the Records Custodian may consult with the Public Records Requests Coordinator or the Town's legal department regarding fulfilling the request.
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 notify the Public Records Request Coordinator who will communicate with the requester, as required by the Act, within seven (7) business days from the records request.
3. If a Records Custodian denies a public record request, he or she shall immediately notify the Public Records Requests Coordinator who will communicate the denial to the requester.
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 notify the Public Records Request Coordinator who will communicate with the requester that production of the records will be segmented and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Public Records Request Coordinator 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 will inform the Public Records Request Coordinator who will communicate with the requester concerning the omission and produce the records as quickly as practicable.

IV. Redaction

- A.* If a record contains confidential information or information that is not open for public inspection, the Public Records Request Coordinator will work with the Records Custodian to prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Records Custodian should coordinate with the Legal Department or other appropriate parties regarding review and redaction of records.
- B.* Whenever a redacted record is provided, the Public Records Request Coordinator shall 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 unless such a charge is allowed by law.
- B.* The location for inspection of records shall be determined by the Public Records Request Coordinator.
- C.* Under reasonable circumstances, the Public Records Request Coordinator will require an appointment for inspection or may require inspection of records at an alternate location.

VI. Copies of Records

- A.* A Records Custodian shall promptly inform the Public Records Request Coordinator of the most economic and efficient manner practicable to respond to the request.
- B.* Copies will be available for pickup at a location specified by the Public Records Request Coordinator.
- C.* Upon payment for all fees, including but not limited to, postage, copies will be delivered to the address designated by the requestor by the United States Postal Service unless the requester desires another delivery method.
- D.* A requestor will not be allowed to make copies of records with personal equipment; however, for efficiency, documents may be provided in electronic format.

VII. Fees and Charges and Procedures for Billing and Payment

- A.* Fees and charges for copies of public records are not used to hinder access to public records.
- B.* The Public Records Request Coordinator shall provide requestors with an estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records. An Itemization of final charges will be provided.

- C.* 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. Other: _____
 4. Labor when time exceeds one (1) hour.
 5. If an outside vendor is used, the actual costs assessed by the vendor.
- D.* Payment in advance is required unless other arrangements are made with the Public Records Request Coordinator.
- E.* Aggregation of Frequent and Multiple Requests
1. The Town 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. The Public Records Request Coordinator is responsible for making the determination that a group of individuals are working in concert. The Public Records Request Coordinator will 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.

**TOWN OF SMYRNA
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.

From: _____
Requestor's Name and Contact Information
(include an address for any TPRA required written response)

Is the requestor a Tennessee citizen? Yes No
(Must include a copy of your Tennessee Driver's License with request)

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only.)¹
 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 and Date Submitted

Signature of Public Records Request Coordinator and Date Received

¹ 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
TOWN OF SMYRNA
315 South Lowry Street
Smyrna, TN 37167**

1/1/2021

John Smith
123 Main Street
Smyrna, TN 37167

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

- 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 me.

Sincerely,

Amber Hobbs
Public Record Request Coordinator/Town Clerk
315 South Lowry Street
Smyrna, TN 37167
(615) 267-5028

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