



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL
John G. Morgan, Comptroller
www.tn.gov/comptroller

NEWS RELEASE

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New Policies, Best Practice Guidelines, and Updated Forms Released Today by the Office of Open Records Counsel

NASHVILLE, Tenn. – The Policy on Frequent and Multiple Requests for Copies of Public Records, the Safe Harbor Policy, the Best Practices Guidelines, and three updated forms were released today by the Office of Open Records Counsel (OORC).

The Office of Open Records was required by [law](#) to establish a policy related to reasonable fees that may be charged by records custodians for frequent and multiple requests for copies of public records. After a citizen makes more than four (4) requests per calendar month for copies of public records, records custodians are permitted, but not required, to no longer provide a free hour of labor beginning with the fifth request, according to [The Policy on Frequent and Multiple Requests for Copies of Public Records](#).

The new policy expands upon the existing [Schedule of Reasonable Charges](#) for copies of public records which provides that a charge for labor may be assessed after one (1) hour is incurred producing requested copies of public records. If a custodian reasonably believes a group of individuals are acting in concert and chooses to group together their requests for copies for purposes of charging for labor, the custodian must file a [Notice of Aggregation](#) with the OORC. Citizens who do not agree with the grouping of requests for copies may appeal the decision to the OORC.

The [Safe Harbor Policy](#) provides that any fees assessed by a records custodian for copies or duplications and/or labor are presumed to be reasonable if assessed in accordance with the policies and guidelines established by the OORC. "This becomes important when a lawsuit is filed and the fees assessed by a records custodian are the subject of the suit," says Elisha Hodge, Open Records Specialist with the OORC. "We also developed nonbinding [Best Practices Guidelines](#) which embody what we believe to be a good roadmap to assist records custodians in responding to public records requests and in complying with the Tennessee Public Records Act," she explains.

Forms previously developed by the OORC have been updated to be consistent with the new policies. The forms include [The Inspection/Duplication of Records Request](#), [The Records Request Denial Letter](#), and [The Records Production Letter](#).

"Citizens should be aware that records custodians are not allowed to charge for inspection of public records under the Tennessee Public Records Act, unless there is an exception in the law. However, they are permitted, but not required, to charge a requestor for actual costs incurred in producing a copy or duplication, unless statutorily set fees exist within the law," adds Hodge.

- more -

OORC Policies
Page 2 of 2

To find out more about the Office of Open Records Counsel and to view the policies, Best Practices Guidelines and forms, please visit www.tn.gov/comptroller/openrecords or call (615) 401-7891 or toll-free (866) 831-3750.

Links for mobile devices:

Public Act, Chapter 1179 - <http://tinyurl.com/9l2vye>

The Policy on Frequent and Multiple Requests for Copies of Public Records - <http://tinyurl.com/7fn8l6>

Schedule of Reasonable Charges - <http://tinyurl.com/9djcn4>

Notice of Aggregation of Multiple Requestors - <http://tinyurl.com/85qhss>

Safe Harbor Policy - <http://tinyurl.com/9byqdu>

Best Practices Guidelines - <http://tinyurl.com/887pq6>

List of forms: <http://tinyurl.com/6ssjxv>

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The mission of the Office of the Tennessee Comptroller of the Treasury is to improve the quality of life for all Tennesseans by making government work better.

A toll-free hotline is provided for citizens to report fraud, waste, and abuse of government funds and property. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper, or wasteful, please call the fraud, waste, and abuse hotline at (800) 232-5454.

Tennessee Code Annotated, Section 8-19-501 requires any official of any agency of the state to immediately report to the Comptroller of the Treasury any shortages of moneys of the state, or unauthorized removal of state property, brought about by either malfeasance or misfeasance in office of any state employee.