



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

NEWS RELEASE

For Immediate Release: September 6, 2008

Public Input on Schedule of Reasonable Charges for Copies of Public Records to be Discussed by Advisory Committee on Open Government
September 15th Meeting Open to Public and to be Streamed Live over Internet

NASHVILLE, Tenn. - The Office of Open Records Counsel (OORC) in conjunction with the Advisory Committee on Open Government (ACOG) will be meeting September 15, 2008, to discuss the development of a schedule of reasonable charges for copies of public records. The meeting will begin at 8 a.m. CST in room 16 of the Legislative Plaza. The meeting is open to the public and will be streamed live over the Internet.

The discussion will include comments and testimonies made by citizens and records custodians at a September 5th public hearing. Nineteen persons presented testimony, and written comments from more than 50 people were read. Additional comments that were received by OORC by the close of business on September 5th will also be included in the discussion. The September 5th hearing gave both Tennessee records custodians and citizens an opportunity to comment on factors to be considered by the OORC and the ACOG when developing the schedule of reasonable charges for copies of public records, as well as the policy related to charges for frequent and multiple requests.

Public Chapter 1179, Acts of 2008, requires the OORC to establish a schedule of reasonable charges which is to be used as a guideline (not a mandate) for charges for copies of public records pursuant to the Tennessee Public Records Act, T.C.A. Sections 10-7-501 et seq. Public Chapter 1179 directs the OORC to consider, among other factors, population size of the community; complexity of the request; man hours involved in retrieving the documents, redaction and other costs of preparing document for duplication; cost of duplication; costs of mailing if requestor is not returning for retrieval; and other costs deemed appropriate. Additionally, the OORC is directed to consider the principles established by the prior study committee, including the precepts that (1) providing information to the public is an essential function of a representative government and an integral part of the routine duties and responsibilities of public officers and employees, and (2) excessive fees and other rules shall not be used to hinder access to public records. Public Chapter 1179 clearly states that no charge can be assessed to view or inspect a public record except when specifically required by law.

Until the Schedule of Reasonable Charges is established, records custodians may require requestors to pay the actual costs incurred in producing the requested material, including labor exceeding five (5) hours.

MORE

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Page 2 of 2

The OORC is further directed by Public Chapter 1179 to establish a separate policy related to reasonable charges a records custodian may charge for frequent and multiple requests for copies of public records.

Instructions on how to access the video stream of the September 15th meeting will be available at www.comptroller.state.tn.us/openrecords/ on Monday, September 8, 2008.

For questions or to find out more about the Office of Open Records Counsel, please visit www.comptroller.state.tn.us/openrecords/ or call (615) 401-7891 or 1-866-831-3750.

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