



PUBLIC RECORDS POLICY
FOR
OFFICE OF THE TENNESSEE COMPTROLLER OF THE TREASURY

Pursuant to Tenn. Code Ann. § 10-7-503(g), the Tennessee Comptroller of the Treasury (“Comptroller”) has adopted the following Public Records Policy for Office of the Comptroller 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. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Office of the Comptroller are presumed to be open for inspection unless otherwise provided by law.

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. Concerns about this Policy should be addressed to the Public Records Request Coordinator (“PRRC”) or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the Office of General Counsel for the Office of the Comptroller and is posted online at <http://www.comptroller.tn.gov/>. This Policy shall be reviewed annually.

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 boards:

- a. State Board of Equalization
- b. State Funding Board
- c. Local Development Authority
- d. State School Bond Authority
- e. Utility Management Review Board
- f. Water and Wastewater Financing Board

I. Definitions:

- 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.
- B. 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).

- C. 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 TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication. Note, this policy does not apply to requests from governmental entities pursuant to law or ordinance or in connection with the transaction of official business by such governmental entities or employees.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the PRRC or his/her designee or via online submission in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only do not have to be made in writing. The PRRC should request a mailing or email address from the requestor in order to provide any written communication required under the TPRA.
- C. Requests for inspection may be made:
 - i. in person at the Office of the Tennessee Comptroller of the Treasury, Division of Administration, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37243-3400 (“Division of Administration”);
 - ii. by phone (615) 401-7786; or
 - iii. in writing using Form A sent or delivered to the Division of Administration, emailed to recordrequests@cot.tn.gov , or faxed to (615) 741-1551. In lieu of utilizing Form A, a written request will be accepted if information required in Form A is clearly and concisely expressed.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using Form A using the means indicated in C above.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license is required as a condition to inspect or receive copies of public records. Presentation of a driver’s license is not required for requests for copies delivered to offenders in Tennessee state prisons.
- F. Many public records are posted online at <http://www.comptroller.tn.gov/>.

III. Responding to Public Records Requests

- A. Public Records Request Coordinator
 - 1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship;

- b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Office of the Comptroller is the custodian of the records.
- 2. The PRRC 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:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees and labor threshold and waivers, if applicable; and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA.
 - iv. The Office of the Comptroller is not the custodian of the requested records.
 - v. The records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Contact the appropriate records custodian in the Office of the Comptroller regarding the request.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
- 3. The designated PRRC is:
 - a. Name or title: Ann Butterworth
 - b. Contact information: Division of Administration; Phone: (615) 401-7786; Fax: (615) 741-1551; recordrequests@cot.tn.gov .
- 4. The PRRC shall report to the Comptroller on an annual basis about the Office of the Comptroller's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

B. Records Custodian

1. Upon receiving notice of a public records request, a records custodian shall promptly make the requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If uncertain whether an applicable exemption applies, the custodian shall consult with the PRRC or the Office of General Counsel. The records custodian shall provide the PRRC with the records responsive to the request.
2. If not practicable to provide requested records promptly 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 PRRC shall, within seven (7) business days from the records custodian's receipt of the request, respond to the requestor with a completed Public Records Request Response Form (Form B), or email with equivalent information.
3. If a public record request is denied, the PRRC shall deny the request in writing as provided in Section III.A.2.b. using Form B or by email with equivalent information, providing the basis for the denial. If a specific exemption exists, the exemption should be cited.
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 PRRC shall notify the requestor 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 PRRC 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 should contact the PRRC in order to notify the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

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

IV. **Inspection of Records**

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the Office of the Comptroller will be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. The Office of the Comptroller shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by PRRC.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. The PRRC shall provide requestors with an itemized estimate of the charges using Form C prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$25.00, the fees may be waived by the PRRC. Requests for waivers for fees above \$25.00 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 for the public good. Fees associated with aggregated records requests will not be waived.
- D. 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. Labor when time exceeds one (1) hour.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
 - 5. For storage devices, such as flash drives, and other office items, the cost incurred by the Office of the Comptroller.
- E. No duplication costs will be charged for requests for less than 10 of pages.
- F. Payment is to be made by personal or cashier's check payable to the Office of the Comptroller delivered as specified by the PRRC.
- G. Payment in advance will be required when costs are estimated to exceed \$25.00.
- I. Aggregation of Frequent and Multiple Requests
 - 1. The Office of the Comptroller will aggregate record 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 (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 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.

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