

## **PUBLIC RECORDS POLICY FOR CIRCUIT COURT OF HAYWOOD COUNTY, TENNESSEE AT BROWNSVILLE**

Pursuant to T.C.A. § 10-7-503(g), the following Public Records Policy for the Circuit Court Clerk's Office of Haywood County, Tennessee at Brownsville is hereby adopted by Mary Bond Lonon, Circuit Court Clerk to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in T.C.A. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, be open for public inspection by any citizen of this state, and those in charge of records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See T.C.A. § 10-7-503(a)(2)(A). Accordingly, the public records of the Circuit Court Clerk's Office of Haywood County, Tennessee at Brownsville are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Circuit Court Clerk's Office of Haywood County, Tennessee at Brownsville shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records pursuant to T.C.A. § 10-7-503(a)(2)(B). 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 Circuit Court Clerk's Office of Haywood County, Tennessee at Brownsville, shall be protected as provided by current law. Concerns about this policy should be addressed to Mary Bond Lonon, Circuit Court Clerk of the Circuit Court of Circuit County, Tennessee at Humboldt or to the Tennessee Office of Open Records Counsel ("OORC").

This policy is available for inspection and duplication in the office of the Circuit Court of Haywood County, Tennessee at Brownsville. This policy shall be applied to the Haywood County Law Court (Circuit) Court and Haywood County General Sessions Court and shall be reviewed every two years.

### **I. Definitions**

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See T.C.A. §(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 T.C.A. § 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 records request are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See T.C.A. § 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.
- E. Redacted Record: A public record otherwise open for public inspection from which protected or confidential information is removed or made obscured prior to release or inspection.

## **II. Requesting Access to Public Records**

- A. All public records requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee 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 may be made orally in the Circuit Court Clerk's Office, 100 S. Dupree Ave, Brownsville, Tennessee 38012.
- C. Requests for copies, or requests for inspection with copies, shall be made in writing using the attached Public Records Request Form, which is Form A by personal delivery or mail the Circuit Court Clerk's Office, 100 S. Dupree Ave., Brownsville, Tennessee 38012. Requests may also be submitted by fax at 731-772-8139 or by e-mail.
- D. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or other government issued photo identification is required as a condition to inspect or receive copies of public records.

## **III. Responding to Public Records Requests**

### **A. Public Record Request Coordinator**

1. The PRRC shall review the public record requests and make an initial determination of the following:
  - a. If the requestor provided evidence of Tennessee citizenship with a valid Tennessee driver's license or other government issued photo identification
  - b. If the records requested are described with sufficient specificity to identify them; and

- c. If the Circuit Court Clerk's Office of Brownsville 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 required for copies;
      - iii. Fees; and
      - iv. Aggregation of multiple or frequent requests.
    - b. If appropriate, deny the request in writing, providing the appropriate ground, such as 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. (Provide the exemption in written denial.)
      - iv. The Governmental Entity 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. 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(s) is(are): The Circuit Court Clerk or any of her deputies located at 100 S. Dupree Ave., Brownsville, Tennessee 38012. Phone number: 731-772-1112 and fax number 731-772-8139.

#### B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with T.C.A. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the 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 a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Response Form which is attached as Form B.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided using the Public Records Response Form which is attached as Form B.
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 use the Public Records Response Form to 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 records custodian 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 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 shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records.
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 Circuit Court Clerk's Office of Haywood, Tennessee at Brownsville should be determined by 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. A records custodian 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 the Circuit Court Clerk's Office of Haywood County, Tennessee at Brownsville at 100 S. Dupree Ave., Brownsville, Tennessee 38012.
- C. Upon payment for copies and 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. 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.
- C. Fees and charges for copies are as follows:
  - 1. \$0.50 per page
  - 2. \$5.00 fee for CD for Electronic Records
  - 3. Labor Fee of \$14.30 per hour when time exceeds one (1) hour - One (1) Hour Labor Threshold
  - 3. See VI-F for Aggregation Costs
- D. Payment is to be made in cash, money order or by credit card (3% fee for use of credit card).
- E. Payment in advance will be required when costs are estimated to exceed \$50.00
- F. Aggregation of Frequent and Multiple requests:  
The Circuit Court Clerk's Office will aggregate record requests when more than four (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert at a labor rate of \$14.30 per hour plus a copy fee of \$0.50 per page. (Labor threshold does not apply of aggregating multiple requests)

## 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.*

**Records Custodian:** Circuit Court Clerk's Office of Haywood County, Tennessee at  
Brownsville

**Requestor's Name & Contact Info.:** \_\_\_\_\_

Is the requestor a Tennessee citizen?  Yes  No  
(Attach Copy of Tennessee Driver's License or ID)

**Request:**  Inspection  Copy/Duplicate

If copy fees 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 \$0.50 per page, plus postage if  
mailed? 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 the Clerk/Deputy Clerk 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.

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\_\_\_\_\_  
Signature of Requestor & Date Submitted

\_\_\_\_\_  
Signature of Records Custodian & Date Received

**PUBLIC RECORDS REQUEST RESPONSE FORM**

Date: \_\_\_\_\_

Requestor's Name & Contact Info.: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_, the Circuit Court Clerk's Office of Haywood County, Tennessee at Brownsville is taking the action(s) indicated below:

The public record(s) responsive to your request will be made available for inspection on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ am/pm in the Circuit Court Clerk's Office, 100 S. Dupree Ave., Brownsville, Tennessee 38012.

Copies of public record(s) responsive to your request are:

Attached;

Available for pick-up at the Circuit Court Clerk's Office, 100 S. Dupree Ave., Brownsville, Tennessee 38012;

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 Mary Bond Lonon, Circuit Court Clerk.

