

PUBLIC RECORDS POLICY FOR The Haywood County Assessor's Office

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for **The Haywood County Property Assessor's Office** is hereby adopted by The Haywood County Assessor's Office 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 Haywood County Property Assessor's Office** are presumed to be open for inspection unless otherwise provided by law.

Personnel of **The Haywood County Property Assessor's Office** 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 Haywood County Property Assessor's Office, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for The Haywood County Assessor of Property or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of The Haywood County Property Assessor.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of The Haywood County Assessor's Office except the following offices, departments, or divisions of The Haywood County Assessor's Office which have separate public records policies:

a. Haywood County Codes

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.

II. Requesting Access to Public Records

A. Public record requests shall be made to the Record Custodian 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 cannot be required to be made in writing. The Record Custodian should request a mailing [or email] address from the requestor for providing any written communication required under the TPRA.

C. Requests for inspection may be made orally at **11 S Lafayette Ave. Brownsville, TN 38012** or by phone at **(731) 772-0432**.

D. Requests for copies, or requests for inspection and copies, shall [may] be made in writing at 11 S Lafayette Ave. Brownsville, TN 38012.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The Record Custodian shall review public record requests and make an initial determination of the following:

a. If the requestor provided evidence of Tennessee citizenship (***NOT REQUIRED***);

4

- b. If the records requested are described with sufficient specificity to identify them; and
- c. If the Governmental Entity is the custodian of the records.

2. The Records Custodian 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. Fees (and labor threshold and waivers, if applicable); and

- iv. Aggregation of multiple or frequent requests.

- b. If appropriate, deny the request, 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 (*NOT REQUIRED*).

- ii. The request lacks specificity. (Offer to assist in clarification)

- 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. Forward the records request to the appropriate records custodian in The Haywood County Assessor's Office.

- e. If requested records are in the custody of a different governmental entity, and the Records Custodian knows the correct governmental entity, advise the requestor of the correct governmental entity and Records Custodians for that entity if known.

3. The designated PRRC(s) is(are):

- a. Name or title: Anyone that is an employee of the Haywood County Assessor's Office.

- b. Contact information: 11 S. Lafayette Ave. Brownsville, TN 38012 or (731)-772-0432.

4. [The Records Custodian(s) shall report to the governing authority on an annual basis about the Governmental Entity'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 a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 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, contact the records custodian's receipt of the request, and give them the information.

3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.

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 Request 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. The records custodian and the PRRC may also consult with the OORC (*if Haywood County Assessor's Office is a state agency*) or 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 Haywood County Assessor Office should 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. 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 a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service or email.
- 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. No charges will be assessed for copies and duplicates unless the person is not the owner of the record he is requesting a copy of.
- B. Records custodians shall provide requestors with an itemized estimate of the charges using the price listing for copies of maps and property record cards 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
(SEE ATTACHED PRICE LIST)

F. Payment is to be made in cash or by personal check payable to **The Haywood County Property Assessor's Office** presented to the records custodian.

7. Disaster recovery and planning.

J. What resources are available for compliance with the TPRA.

1. What space is, or will be, available to requestors for physical inspection of records?

2. Is a secure computer terminal (that does not allow access to confidential records) available for public inspection of electronic records?

3. What is the governmental entity's capability to duplicate records? If the entity does not have internal capability, are there existing contracts with vendors or available duplication services to respond promptly to requests?

4. What staffing and funding is available?

K. What the governmental entity has or provides that may contain or produce records accessible pursuant to the TPRA, including:

1. Portable electronic devices such as cell phones, laptops, or tablets;

2. Voice mail;

3. Email accounts;

4. Websites; and

5. Social media accounts, such as Facebook or Twitter.

L. Who should be appointed the Public Records Request Coordinator(s).

1. How will the appointment be disclosed internally and externally?

2. What authority exists to require records custodians to respond to the coordinator?

M. Whether Tennessee citizenship will be required for requests under the TPRA, and if so:

1. Will visual inspection of a Tennessee driver's license suffice or will a copy be kept?

2. What forms of proof beyond a Tennessee driver's license will be accepted?

N. Whether requests will be aggregated, whether by individual requestors or requestors acting in concert. See the OORC's Reasonable Charges for Frequent and Multiple Requests Policy.

Submitted to ACOG: November 8, 2016

Effective: January 20, 2017

