

PUBLIC RECORDS POLICY
FOR
LINCOLN COUNTY

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for **Lincoln County** is hereby adopted by the **Lincoln County Legislative Body** 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 **Lincoln County, TN** are presumed to be open for inspection unless otherwise provided by law.

Personnel of **Lincoln County, TN** 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 **Lincoln County, TN** shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinators for **Lincoln County, TN** or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of County Clerk. This Policy shall be reviewed every two (2) years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of **Lincoln County, TN**.

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 **Public Records Request Coordinator 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 **Public Records Request Coordinator** 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 or in writing [using the attached Form] at each office.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing at each office.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) **is required** as a condition to inspect or receive copies of public records.

III. Responding to Public Records Requests

A. Public Record Request Coordinators

- 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 Governmental Entity 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. (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 Lincoln County, TN.
 - 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(s) is(are):

Name or title and Contact Information:

Courthouse Offices (112 Main Ave. South, Fayetteville, TN)

County Mayor, Room 101 - 931-433-3045
 County Clerk, Room 102 – 931-433-2454
 Trustee, Room 103 – 931-433-1371
 Register of Deeds, Room 104 – 931-433-5366
 Assessor of Property, Room 105 – 931-433-5409
 Clerk and Master, Room B109 – 931-433-1482
 Circuit Court Clerk, Room 203 – 931-433-2334
 Planning & Zoning, Room 107 – 931-438-5186
 Information Technology, Room 107 – 931-297-2300

Election Registrar

208 Davidson St. E. Room 106, Fayetteville TN – 931-433-6220

Emergency Management Agency (EMA) Director

312 West Market, Fayetteville, TN 37334 – 931-438-1575

Lincoln County Finance Director

206 East Davidson Street, Fayetteville, TN 37334 – 931-438-1565

Sheriff

4151 Thornton Taylor Parkway, Fayetteville, TN 37334 – 931-433-9821

4. The **PRRCs** shall report to the governing authority every two (2) years 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 or PRRC shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian or PRRC is uncertain that an applicable exemption applies, the custodian may consult with 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 Request Response Form which is attached.

3. If the Records Custodian or PRRC 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 the Records Custodian or PRRC 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 the Records Custodian or PRRC 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.
6. No records shall be released during an ongoing Sheriff's Department investigation or related law enforcement agency. In-car video, body camera video, and jail camera video may be reviewed by the requestor in person only at the Lincoln County Sheriff's Department while being supervised by the Sheriff or his designee. No video or pictures shall be taken during viewing. No copies of in-car camera video, body camera video, or jail camera video will be released to the public. Request for reviewing of in-car camera video, body camera video, or jail camera video will be taken on a case-by-case basis and at the Sheriff's and District Attorney General's discretion. No in-car camera video, body camera video, or jail camera video will be eligible for review by the public until the investigation and, if relevant, any prosecution is complete. Release of related information is subject to any state or federal statute, rule, regulation, and/or ethics rules.

C. Redaction

1. If a record contains **confidential information** or information that is not open for public inspection, the Records Custodian or PRRC shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Records Custodian or PRRC should coordinate with counsel or other appropriate parties regarding review and redaction of records. The Records Custodian or PRRC may also consult with the OORC or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, the Records Custodian or PRRC 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 offices of Lincoln County, TN should be determined by Records Custodian or PRRC.

- C. Under reasonable circumstances, the Records Custodian or PRRC may require an appointment for inspection or may require inspection of records at an alternate location.
- D. Audio or video recording or the use of photography equipment while inspecting records is not allowed.

V. Copies of Records

- A. The Records Custodian or PRRC 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 or 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. Only within the designated area where documents are stored and at the convenience and supervision of the Records Custodian or PRRC.

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 requires prepayment of such charges before producing requested records.
- C. Fees and charges for copies are as follows:
 - 1. \$0.50 per page for letter- and legal-size copies for all court public records or current fee allowed by statute.
 - 2. \$0.15 per page for letter and legal-size black and white copies or current fee allowed by statute.
 - 3. \$0.50 per page for letter and legal-size color copies or current fee allowed by statute.
 - 4. Labor when time exceeds one hour.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
 - 6. Payment and postage required in advance. Payment is to be made in cash, money order, or cashier's check.
 - 7. No photos allowed unless preapproved by Records Custodian or PRRC.
- D. Aggregation of Frequent and Multiple Requests
 - 1. Lincoln County will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OOCR when more than for (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

- a. The level at which records requests will be aggregated is by office.
- b. The PRRC is responsible for making the determination that a group of individuals are 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.