

# CITY OF WHITE HOUSE



## PUBLIC RECORDS POLICY

**PUBLIC RECORDS POLICY**  
**City of White House, Tennessee**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the City of White House is hereby adopted by the Board of Mayor and Aldermen 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 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 City of White House are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of White House 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 public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City of White House, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the City of White House or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of the City Recorder. Additionally, this policy is posted online at [www.cityofwhitehouse.com](http://www.cityofwhitehouse.com). This Policy shall be reviewed periodically as needed. This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of White House.

**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. **Requestor**: A Tennessee citizen seeking access to a public record, whether it is for inspection or duplication.
- A. **Permanent Records**: records which have permanent administrative, fiscal, historical or legal value.
- 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. **Temporary Records**: Material which can be disposed of in a short period of time as being without value in documenting the functions of an agency. Temporary records will be scheduled for disposal by requesting approval from the Records Custodian, City Recorder, and the City Administrator utilizing a records disposition authorization.

- E. **Working Papers:** records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.

## **II. Public Records Request Coordinator**

- A. Pursuant to Tenn. Code Ann. § 10-7-503(g)(4), the City Recorder is designated as the City's Public Records Request Coordinator for records requests. The City Recorder's address and contact information is as follows:

### **Public Records Request Coordinators and Contact Information**

- 1) General Information
  - a. City Recorder  
Phone: 615-672-4350, ext. 2111  
Fax: 615-672-2939  
admin@cityofwhitehouse.com
- 2) Human Resources
  - a. Human Resources Director  
Phone: 615-672-4350, ext. 2109  
Fax: 615-616-1058  
humanresources@cityofwhitehouse.com
- 3) Police Department
  - a. Records Clerk  
Phone: 615-672-4350, ext. 1177  
Fax: 615-672-4915  
records@cityofwhitehouse.com

An option to contact the Public Records Request Coordinators via mail is by mailing requests to 105 College Street, White House, TN 37188.

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

- A. Public record requests from Tennessee citizens shall be made to the appropriate Public Records Request Coordinator ("PRRC") 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 PRRC will request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection of public records may be made orally, either by phone or in person. Requests for inspection may also be submitted in writing by mail, by email or in person. When the requestor wishes only to inspect records, but the requested records are not immediately available, the PRRC may provide a copy of the Public Records Request Form (Appendix A). If the requestor does not wish to complete the form or is unable to do so, a City of White House employee will complete the form with the information provided by the requesting party.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the Public Records Request Form (Appendix A), or may submit a letter or other written request, provided the request includes the same information required in the Public Records Request Form. The request may be submitted by mail, by email, by fax, or in person.
- 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.

The Records Custodian and/or the Records Officer in each department shall be the public records Request Custodian. Pursuant to the TPRA this person(s) will ensure that full access and assistance is given in a timely and efficient manner to **Tennessee residents** who request access to public documents in accord with the policy. (The only time a non-Tennessee resident's request for a public record shall be granted is if the requestor was involved in a traffic crash or was a victim of a crime in which a City of White House Police Officer took a report.

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

##### **A. Public Record Request Coordinator – Initial Determination**

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 City of White House is the custodian of the records.

##### **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, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form (Appendix B), based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing using the Public Records Request Response Form (Appendix 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 Request Response Form (Appendix B) 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. Acknowledgement of Request and Response**

The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

1. Advise the requestor of this Policy and the elections made regarding:
  - a. Proof of Tennessee citizenship;
  - b. Form(s) required for copies;
  - c. Fees (and labor threshold and waivers, if applicable); and
  - d. Aggregation of multiple or frequent requests.

2. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
  - a. The requestor is not, or has not presented evidence of being, a Tennessee citizen;
  - b. The request lacks specificity;
  - c. An exemption makes the record not subject to disclosure under the TPRA;
  - d. The City of White House is not the custodian of the requested records; or
  - e. The records do not exist.
3. If appropriate, contact the requestor to see if the request can be narrowed.
4. Forward the records request to the appropriate records custodian in the City of White House.
5. If requested records are in the custody of a different governmental entity, advise the requestor of the correct governmental entity and contact information for the entity if known.

#### D. Records Available Online

Many of the City's public records, including meeting agendas, minutes and financial reports, are available on the City's website ([www.cityofwhitehouse.com](http://www.cityofwhitehouse.com)). If requested records are available on the City's website, the City Recorder, or records custodian responding to a public record request will advise the requestor accordingly.

#### E. Production of Records – Denials

1. Upon receiving a public record request, the City shall, if practicable, promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the employee responding to the request needs assistance to determine if an applicable exemption applies, the employee may consult with the City Attorney or the OORC.
2. Within seven (7) business days from receipt of a public record request, the City shall advise the requestor if it is not practicable to promptly provide the requested records because additional time is necessary to:
  - a. Determine whether the requested records exist;
  - b. To search for, retrieve, or otherwise gain access to records;
  - c. To determine whether the requested records are open records;
  - d. To redact records; or
  - e. For other similar reasons.
3. If the City denies a public record request, the employee responding to the request shall deny the request in writing. Denial of a request must be based on appropriate grounds, such as one of the following:
  - a. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
  - b. The request lacks specificity. (The written denial may include an offer to assist in clarification.)
  - c. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in the written denial.)
  - d. The City of White House is not the custodian of the requested records.
  - e. The records do not exist.
  - f. The requestor has made two (2) or more requests to view a public record within a six-month period and, for each request, the requestor failed to view the public record within fifteen (15) business days of receiving notification of the record's availability for viewing. In such cases, the City may deny any public records request from the same requestor for a period of six (6) months from the date of

the second request to view a public record unless the City determines failure to view the public record was for good cause. (See Tenn. Code Ann. § 10-7-503(a)(7)(A)(viii)(a)).

- g. The requestor has made a request for copies of a public record and, after copies were produced, the requestor failed to pay the City the cost for producing such copies. In such cases, the City may deny any public records request from the same requestor until the requestor pays for such copies; provided that the requestor was given an estimated cost for producing the copies in accordance with Section VII.B. of this Policy and the requestor agreed to pay the estimated cost for such copies. (See Tenn. Code Ann. § 10-7-503(a)(7)(A)(viii)(b)).
4. If a City employee responding to a public record request 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 employee shall notify the requestor that production of the records will be in segments and that the records will be provided as expeditiously as practicable. If appropriate, the employee should contact the requestor to discuss possibilities for narrowing the request.
5. If a City employee responding to a public record request discovers records responsive to the request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.
6. The Public Records Request Response Form (Appendix B) included with this Policy shall be used for all responses by the City to a public record request when it is not practicable to promptly provide the requested records; or in the alternative, the employee responding to the request may provide a letter or other document to the requestor that includes the same information that would be provided on the Public Records Request Response Form (Appendix B).

#### E. Confidential Records – Redaction

1. To the extent that certain records have been designated by law as confidential, such confidential records are to be withheld from persons who have not been authorized to view them.
2. 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 the City Attorney or other appropriate parties regarding review and redaction of records.
3. 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.

#### F. Protection of Records

All City personnel shall protect the integrity and organization of public records with respect to the manner in which the records are inspected and copied. If the public records requested are fragile due to age or other conditions, or if the records custodian determines that copying of the records may cause damage to the original records, the records custodian may deny a request for copies but shall offer to make an appointment for inspection of the records.

### V. Inspection of Records

- A. There shall be no charge for inspection of public records.

- B. The location for inspection of records within the offices of the City of White House shall be determined by either the PRRC or the records custodian responding to the public records request.
- C. All inspections of records must be performed under the supervision of the PRRC to be inspected or such person's designee.
- D. When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

## **VI. 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 City employee responding to the request.
- C. Upon payment for postage or delivery costs, copies will be delivered by the United States Postal Service or other delivery service to the address provided by the requestor.
- D. All copying of public records must be performed by employees of the City, or, in the event that City personnel are unable to copy the records, by an entity or person designated by the records custodian. A requestor will not be allowed to make copies of records with personal equipment. A requestor may take photographs of public records with a personal camera or other device if the records custodian determines that the photography is unlikely to cause damage to the records.

## **VII. 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 for copies are shown on the Schedule of Fees for Records (Appendix C). With the approval of the City Administrator, fees may be waived if it is determined that such a waiver is in the best interest of the City.
- D. Payment is to be made in the form of cash, check, or credit card (transaction fees apply) payable to the City of White House, presented to the PRRC.
- E. Aggregation of Frequent and Multiple Requests
  - 1. The City of White House will aggregate record requests in accordance with the Frequent and Multiple Request 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. If more than four (4) requests are received within a calendar month:
    - a. The City shall charge a fee for all labor that is reasonably necessary to produce copies of the aggregated records after informing the requestor that the aggregation limit has been met. A request for copies of records may not be broken down into multiple requests in order to qualify for free labor charges or waiver of fees.

- b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will 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.
- c. Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to: all board meeting minutes, agendas, and agenda packets.

## **VIII. Public Records Disposal**

Prior to disposal of any public record an employee must first decide what type of record is being considered for destruction. For disposition purposes, records will fall into one of three classes. The procedure for disposing of each of these classes is different.

### **Working Papers**

Working papers become obsolete immediately after agency use or the information contained therein gets documented in a publication such as a monthly or annual report. These are the day to day papers that come in by mail, email, notes from a meeting, rough drafts for a report, informal papers, etc. Any public record defined as a working paper may be destroyed without retaining the originals of the record and without review by records disposition authorization personnel. These records should be destroyed by employees immediately or as soon thereafter so that they do not become burdensome.

### **Temporary Records**

If a record must be kept for some reason after its initial use, then it becomes a temporary record. Financial and payroll records are a good example to consider. Payroll records have fulfilled their immediate purpose once an employee receives their check. But to comply with federal statutes and regulations these records are needed in the case of an audit. The State legislature has authorized the Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, to compile and print, in cooperation with the state library and archives, a records retention manual which can be used to guide municipal employees T.C.A. 10-7-702. It is the responsibility of each Records Custodian/Records Officer to follow the guidelines of the most current *MTAS Records Management for Municipal Government* manual. In this manual you will find record retention lists for each area of responsibility in municipal government.

Records Custodians should review the list in the retention schedule for their specific area of responsibility. The general administration schedule should be checked to give guidance for an administrative record that may also fall under their area of responsibility.

Records that have a retention period may be destroyed after the recommended period of time in the retention schedule. Before proceeding with destruction the Records Custodian must complete a *Records Disposition Request and Authorization* form. Approval from the City Recorder and the City Administrator is required prior to destruction of temporary records.

### **Permanent Records**

Permanent records have permanent administrative, fiscal, historical or legal value. These records require the utmost care in storing and protecting from decay, loss, or destruction. These records need to be stored in an environment suitable for long term storage. This policy approved by resolution of the Board of Mayor and Alderman, notwithstanding any law provision of law contrary, authorizes the disposal of any permanent **paper** record of this municipality only when the permanent record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or



reproduced onto computer media, including CD-ROM disks, in accordance with T.C.A. 10-7-121.  
Reference T.C.A. 10-7-702.

**SECTION 2.** Repealer. Any resolutions, policies, or parts thereof in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this resolution.

**SECTION 3.** Severability. If a part of this resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**SECTION 4.** Effective Date. This resolution shall become effective upon passage, the public welfare requiring it.

Passed on: Thursday, September 21, 2017

SIGNED: \_\_\_\_\_  
Michael L. Arnold, Mayor

ATTEST: \_\_\_\_\_  
Kerry Harville, City Recorder

**PUBLIC RECORDS POLICY**  
**City of White House, Tennessee**  
**APPENDIX A**



**INSPECTION/DUPLICATION OF RECORDS REQUEST**

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, create, or recreate records that do not exist. To make a request please complete the form in its entirety.

**To: City of White House, 105 College Street, White House, TN 37188**

**From: Requestor Information**

Name of requestor: \_\_\_\_\_  
(Print or Type; Initials of requestor are required for copy requests)

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Is the requestor a Tennessee citizen?  Yes  No

**Request:**  **Inspection** (The TPRA does not permit fees or require a written request for inspection only.<sup>1</sup>)

**Copy/Duplicate**

If costs for copies are assessed, the requestor has a right to receive and 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 \$ \_\_\_\_\_? 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 a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the person responding to the request to identify the specific records you are seeking. Additional pages may be used.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Submitted Signature of Public Records Request Coordinator & Date Received

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

**PUBLIC RECORDS POLICY**  
**City of White House, Tennessee**  
APPENDIX B



**PUBLIC RECORD REQUEST RESPONSE FORM**  
City of White House  
105 College Street, White House, TN 37188

\_\_\_\_\_ Date

**[Requestor's Name and Contact Information]:**

In response to your records request received on \_\_\_\_\_, our office is taking the action(s)<sup>1</sup> indicated below:  
Date Request Received

The public record(s) responsive to your request will be made available for inspection at:

Location: \_\_\_\_\_  
Date & Time: \_\_\_\_\_

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

Attached  
 Available for pickup at the following location: \_\_\_\_\_; or

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 addition 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
- Our 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 me.

Sincerely,

[Name, Title, Contact Information]

<sup>1</sup> If all requested records do not have the same response, so indicate.

**PUBLIC RECORDS POLICY**  
**City of White House, Tennessee**  
APPENDIX C

**Schedule of Fees for Records**

Fees and charges for records are as follows, if the amount provided is higher than the OORC Schedule of Reasonable Charges, is included.

- 1) Standard 8.5 x 11 (letter) or 8.5 x 14 (legal) black and white copy - \$0.15 per page
- 2) Standard 8.5 x 11 (letter) or 8.5 x 14 (legal) color copy - \$0.50 per page
- 3) Maps, plats and other large format documents in sizes other than 8.5 x 11 (letter) or 8.5 x 14 (legal) that can be printed in house - \$2.00 per square foot
- 4) Maps, plats and other large format documents in sizes other than 8.5 x 11 (letter) or 8.5 x 14 (legal) that must be printed by an outside vendor – Actual cost to the City
- 5) CR-ROM, DVD, or USB copies - \$1.00 each
- 6) No charges will be imposed for documents sent by electronic mail or other electronic means, unless the time required to search, redact and provide the records exceeds one hour, in which case labor charges will be assessed.
- 7) Cost of postage or other shipping charges and packaging materials will be added if documents are mailed or shipped.
- 8) In addition to the other charges assessed for copies of documents, the cost of employee labor in excess of one hour of research, retrieval, redaction and duplication will be charged to the requestor. Labor charges shall be based on the employee's hourly wage. Requests requiring one hour or less of employee labor for research, retrieval, redaction and duplication will not result in an assessment of labor charges to the requestor. For a response to a request involving more than one employee, labor charges will be assessed based on the following formula:
  - a. Records custodian shall determine the total number of hours each employee spent responding to the request.
  - b. The records custodian shall then subtract the one hour threshold from the number of hours the highest paid employee(s) spent responding to the request.
  - c. The records custodian shall then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage.
  - d. The records custodian shall add together the total charges for all employees involved in responding to the request. The sum will be the total amount of labor to be charged.