

## **RESOLUTION**

### **A RESOLUTION PROVIDING FOR THE MAINTENANCE, PRESERVATION AND PROTECTION OF PUBLIC RECORDS, AND ESTABLISHING PROCEDURES FOR ACCESSING AND COPYING PUBLIC RECORDS.**

Be it resolved by the Governing Body of Loudon County that the following Public Records Policy is hereby adopted for the County Mayor's office and the offices of all appointed department heads:

#### **Section I. SCOPE**

The Tennessee Public Records Act provides that all county government records shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, unless otherwise provided by law. Tenn. Code Ann. §10-7-503(a). It is the policy of Loudon County ("the County") to comply with the Tennessee Public Records Act. Loudon County will make public records available for inspection in a timely and efficient manner balanced with the prevention of excessive interference with other essential functions of County government.

##### **A. Records open to public inspection**

Public records have been defined to mean 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 a transaction of official business by any governmental agency. Tenn. Code Ann. § 10-7-301(6). All records of the County meeting this description will be open to public inspection unless otherwise provided by law.

##### **B. Records not open to public inspection**

Some records maintained by the County are determined by law to be confidential records and not open for public inspection. Those records include, but are not limited to, the following:

1. All contingency plans of law enforcement agencies prepared to respond to any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat involving a weapon of mass destruction, or terrorist incident. Tenn. Code Ann. § 10-7-503(e).
2. Records of students in public educational institutions. Tenn. Code Ann. § 10-7-504(a)(4)(A).

3. All riot, escape, and emergency transport plans which are incorporated in a policy and procedures manual of county jails. Tenn. Code Ann. § 10-7-504(a)(14).
4. Records containing the credit card numbers of persons doing business with the County and any related personal identification numbers or authorization codes. Tenn. Code Ann. § 10-7-504(a)(19).
5. Records related to any County employee's identity, diagnosis, treatment or referral for treatment that are maintained by an Employee Assistance Program (EAP). Tenn. Code Ann. § 10-7-504(d).
6. Records related to County employee medical treatment or medical testing, including drug testing at the expense of the County. Tenn. Code Ann. § 10-7-504(a)(1) and 10-7-504(d).
7. Information compiled and maintained by the County concerning a person who has obtained a valid protection document pursuant to Tenn. Code Ann. § 10-7-504(a)(15).
8. Certain information about County employees considered by state laws to be private, including unpublished telephone numbers, bank account information, social security numbers, and driver license information (unless driving a vehicle is part of the employee's job duties.) Tenn. Code Ann. § 10-7-504(f)(1).
9. Other records deemed confidential and not open to public inspection pursuant to Tenn. Code Ann. § 10-7-504 or other law.

## **Section II. RULES FOR ACCESS TO PUBLIC RECORDS**

### **A. Proof of Citizenship**

The Tennessee Public Records Act only applies to citizens of Tennessee. A person seeking access to public records of the County must provide proper identification to establish Tennessee citizenship.

### **B. Requests for Records**

Persons wishing to inspect or to copy public records shall make a request to the County Mayor's office. The request shall be made in writing on the form attached hereto. If the person requesting copies of records or inspection fails, is unable or refuses to complete the form, the employee handling the request shall complete it with information provided by the requesting

party. The form will be given to a department head or employee who has responsibility for the requested public records, and they shall process the request.

The department head or employee shall provide the requestor with assistance in accessing and inspecting public records. The public records shall be provided in a timely manner based on the following criteria or circumstances:

1. the kind, amount, and nature of the records requested;
2. uncertainty as to what records are requested;
3. the location of the records requested;
4. the format in which the records are requested;
5. the extent of the department head's or employee's resources to locate such records at the time the request is made;
6. intervening emergencies, problems, and other events that might reasonably delay the delivery of the records for inspection; and
7. the extent to which the request creates undue disruption on other essential functions of the department.

In no event should the department head or employee unnecessarily delay the inspection of public records. If, by the end of the second working day after the request is made, the public records are not available for inspection, the department head or employee shall notify the requestor of the reason for the delay and the approximate date the public records will be available.

#### **C. Electronic Records**

Some public records stored, contained or available as data or information within the memory or storage facilities of computer or electronic equipment might be subject to inspection (and copying) only through the services of County employees familiar with the equipment that facilitates such inspection (or copying). The department head or employee shall make a reasonable effort to insure that such records are available for inspection under the same rules governing inspection above. *See* II.B. However, where such records create special problems of determining confidentiality of all or some of their parts before they are viewed, or if the requestor wants the records in a format different than that contained in the computer, additional delay in the delivery of such records may occur. The department head or employee shall keep such delays to a minimum. The department head or employee shall notify the requestor of the approximate length of delay in the delivery of the records for inspection.

The requestor shall have the options of viewing the information on the County's computer equipment, or of having the records transferred to a diskette or other compatible storage medium, or request paper copies of such records.

#### **D. Limitations on disclosure of confidential records.**

Upon receiving a request to inspect public records, the department head or employee shall grant the request unless the record requested is confidential, in whole or in part, under the

Tennessee Public Records Act and/or any other applicable law. In cases of public records that are confidential in part, the department head or employee shall deliver for inspection that part of the record that is not confidential. If it is necessary to redact confidential information from a record, the requestor must pay the County's costs associated with redacting the records as provided in Sec. II.G. Where the department head or employee is uncertain whether a requested record is confidential, he or she shall consult with the County Mayor, and the Mayor shall make the final determination after consultation with the County Attorney. The department head or employee shall inform the requestor that uncertainty exists as to the confidentiality of the record, and the approximate date the uncertainty will be resolved.

If the County Mayor's final determination is that the record is confidential, the department head or employee handling the request shall notify the requestor, stating the reason that the record is confidential, and citing, if possible, the statute supporting the determination.

**E. Costs of inspection.**

Generally, there is no charge for the inspection of public records. However, where the public records requested are electronic records, and the records are not in the format requested by the requestor, and a special computer program must be created to retrieve such records in the requested format, the department head or employee shall estimate the cost of creating such program, including the time and labor of County employees based upon an average hourly pay rate for the County's clerical employees, including social security, insurance and other benefits. The requestor shall pay to the County the estimated cost of the special programs before the public records are compiled in the requested format. If the cost of the special programs exceeds the amount previously paid, the requestor shall pay the balance to the County prior to the inspection of the public records in the requested format. If the cost of the special programs is less than the amount previously paid by the requestor, the balance shall be refunded upon the delivery of the public records for inspection.

**F. Custody of records.**

Public records shall at all times remain in the physical custody of the department head or employee. Public records shall also remain on the County's premises unless sent to a commercial copying service under the direction of a department head or employee.

**G. Procedure for Copying Public Records**

Requestors shall be entitled to a copy of any public record and copies shall be made on the County's copying equipment. Where such equipment does not exist, is inoperative, is not designed to copy the records requested, or the requestor wants the copies in a format the County equipment cannot duplicate, such copies may be made on commercial copying equipment.

**1. Cost of copies**

**a. County's equipment**

Any citizen requesting copies of public records will be charged the actual costs incurred by the County to reproduce the records based on the attached fee schedule, which is subject to revision from time to time by the County Mayor to reflect a change in costs. Actual costs include the per page costs for ink, toner, paper, copier lease, etc., plus the time and labor of County employees based upon an average hourly pay rate for the County's clerical employees, including social security, insurance and other benefits. To the extent the public records requested contain confidential or privileged information, the requestor will be charged the cost of redacting the documents to remove the privileged or confidential material. Payment for the cost of copies shall be made by the requestor before the copies are made. The payment shall be based on the approximate number of copies requested. If the actual cost of the copies exceeds the amount previously paid by the requestor, the balance shall be paid by the requestor before delivery of the copies. If the previous payment made by the requestor exceeds the cost of the copies, the balance shall be refunded to the requestor upon the delivery of the copies.

Notwithstanding the foregoing, as a courtesy to its citizens, the County will provide up to twenty-four (24) minutes of personnel time per month, per requester, at no charge.

**b. Commercial equipment**

Where the County's copying equipment is incapable of making copies of the public records requested, or its copying equipment is inoperative, the department head or employee shall notify the requestor. If the requestor decides that he or she wants a commercially-made copy of the records, he or she shall notify the department head or employee, who shall determine the estimated cost of such copies. If the requestor desires to obtain the commercial copies, he or she shall pay the estimated cost of the copies, plus 50% of the estimated cost. If the actual cost of the copies exceeds the amount previously paid by the requestor, he or she shall pay the balance to the County before delivery of the copies. If the previous payment made by the requestor exceeds the cost of the copies, the balance shall be refunded upon delivery of the copies.

**2. Records With Commercial Value**

Any request for a County public record that has commercial value, or for a record that does not exist in the form or format requested, will be referred to the County Mayor for consideration. The County will charge a reasonable fee for the reproduction of any public record that has commercial value as allowed by state law.

PASSED AND ADOPTED BY THE GOVERNING BODY OF LOUDON COUNTY THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

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**County Mayor**

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**Chairman**

**LOUDON COUNTY GOVERNMENT  
DOYLE ARP, MAYOR**

100 River Road, Suite 103 ▪ Box 106 ▪ Loudon, Tennessee 37774-1042

Phone 865-458-4664 ▪ Fax 865-458-6508

**Request For Information**

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

Name: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Phone #: \_\_\_\_\_

Information requested: \_\_\_\_\_

**For office Use Only:**

**Date Received:**

**Date and amount of deposit made  
for copy or other fees:**

**Date and amount of balance paid or  
refunded for copy or other fees:**

**Date Completed:**

**Total Personnel Time:**

By signing below, I acknowledge that I have made this request for information, that I have been provided with a copy of Loudon County's Public Records Policy, that I have read and understand the Policy, and that I will not destroy or alter any public record that I inspect.

\_\_\_\_\_  
Requestor's Signature

**Loudon County Fee Schedule For Copies of Public Records**

Seven cents (.7¢) per page, plus the costs of the county employee's time to make the copies based on the following rate:

1 to 6 minutes.....	\$2.34
7 to 12 minutes .....	\$4.69
13 to 18 minutes.....	\$7.02
19 to 24 minutes.....	\$9.36
25 to 30 minutes.....	\$11.70
31 to 36 minutes.....	\$14.04
37 to 42 minutes.....	\$16.38
43 to 48 minutes.....	\$18.72
49 to 54 minutes.....	\$21.06
55 to 60 minutes.....	\$23.47