

PUBLIC RECORDS POLICY

CITY OF GALLATIN, TENNESSEE

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

Personnel of the City of Gallatin, Tennessee 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 Gallatin, Tennessee, shall be protected by current law. Concerns about the Policy should be addressed to the Public Records Request Coordinator (“PRRC”) for the City of Gallatin, Tennessee or the 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.gallatintn.gov. 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 Gallatin, Tennessee.

I. **Definitions:**

- A. **Records Custodian:** The office, official or employee lawfully responsible for the direct custody and care of the 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. The City Recorder is the records custodian for the records which the City Recorder is assigned custody under the City’s Charter. For all other records, if no person is otherwise designated by statute or the *Gallatin Municipal Code*, the records custodian is whoever is designated by the department head for the department to maintain the records.
- 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 (“PRRC”)**: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have the responsibility to ensure public requests are routed to the appropriate records custodian in each department and are fulfilled in accordance with the TPRA. *See* Tenn. Code Ann. § 10-7-503(a)(1)(B). The PRRC may also be a records custodian.
- D. **Requestor**: A person seeking access to a public record, whether it is for inspection or publication.

II. **Public Records Request Coordinator**

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

City Recorder
Gallatin City Hall
132 West Main Street
Gallatin, Tennessee 37066
(615) 451-5895
CityRecorder@gallatintn.gov

III. **Requesting Access to Public Records**

- A. Public record requests shall be made to the PRRC or his/her designee or via online submission in order to ensure the public records request is routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only **are not** 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 may be made orally or in writing:
 - i. At Gallatin City Hall, 132 West Main Street, Gallatin, Tennessee on the Public Records Request Form, or
 - ii. By phone at (615) 451-5893, or
 - iii. By email to CityRecorder@gallatintn.gov
- D. Requests for copies, or requests for inspection and copies, **shall** be made in writing:
 - i. At Gallatin City Hall, 132 West Main Street, Gallatin, Tennessee on the Public Records Request Form, or

ii. By email to CityRecorder@gallatintn.gov

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 a public record.

IV. **Responding to Public Records Requests**

A. **Initial Determination**

The PRRC shall review public records requests and make an initial determination of the following:

1. If the requestor provided evidence of Tennessee citizenship;
2. If the records requested are described with sufficient specificity to identify them; and
3. If the City of Gallatin, Tennessee is the custodian of the records.

B. **Acknowledgement of Request; Response**

Upon receiving a public records request from the PRRC, a records custodian shall:

1. 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 the PRRC, the City Attorney, or the OORC.
2. If not practicable to promptly provide requested records because:
 - i. additional time is necessary to determine whether the requested records exist;
 - ii. to search for;
 - iii. retrieve;
 - iv. otherwise gain access to records;
 - v. to determine whether the records are open;
 - vi. to redact records;
 - vii. for other similar reasons, then
3. Within seven (7) business days from the records custodian's receipt of the request, provide requestor with a completed Public Records Response Form based on the form developed by the OORC.

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 the record custodian discovers records responsive to the request were omitted, the records custodian should contact the requestor concerning omission and produce the records as quickly as practicable.
6. The Public Records Request Response Form 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.

C. Records Available Online

Many of the City's public records, including meeting agendas, minutes, ordinances and financial reports are available on the City's website: www.gallatintn.gov. If requested records are available on the City's website, the PRRC or records custodian responding to a public record request will advise the requestor accordingly.

V. Denials

If the records custodian denies a public records request, he or she shall deny the request in writing as provided in Section III, A. 2b and may use the Public Records Request Response Form. Denial of a request must be based on appropriate grounds, such as one of the following:

1. The requestor is not, or has not presented evidence of being a Tennessee citizen.
2. The request lacks specificity.
3. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in the written denial.)
4. The City is not the custodian of the requested records.
5. The records do not exist.
6. The requestor has made two (2) or more requests to inspect a public record within a six-month period, and for each request, the requestor failed to inspect the public record within fifteen (15) business days of receiving notice of the

record's availability for inspection. 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 inspect a public record unless the City determines failure to inspect the public record was for good cause. *See* Tenn. Code Ann. § 10-7-503(a)(7)(A)(viii)(a).

7. 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).

VI. Confidential Records; Redaction

- A. 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 inspect them.
- B. 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 the review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

VII. 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.

VIII. Inspection of Records

- A. There shall be no charge for the inspection of public records.
- B. The location of the inspection of records within the offices of the City of Gallatin, Tennessee shall be determined by either the PRRC or the records custodian.

- C. All inspections must be performed under the supervision of the PRRC or the PRRC's designee, the custodian of the records to be inspected or such person's designee.
- D. When a reasonable basis exists, the PRRC or records custodian may require an appointment for inspection.

IX. Copies of Records

- A. A records custodian shall promptly respond to a public records request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pick up at Gallatin City Hall.
- C. Upon payment of postage, copies will be delivered to the requestor's address of choice by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment. Requestor may purchase storage devices from the City upon which the records will be downloaded.

X. Fees and Charges and Procedures for Copies

Fees and charges for copies of public records should not be used to hinder access to public records.

- A. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of the records and may require pre-payment of such charges before producing requested records.
- B. When fees for copies do not exceed \$1.00, the fees may be waived.
- C. Requests for waiver of fees over \$1.00 must be presented to the City Recorder, who is authorized to determine if such waiver is in the best interest of Gallatin and for the public good.
- D. Fees associated with aggregated records request will not be waived.
- E. Fees and charges for copies are as follows:
 - 1. \$0.15 per page for letter and legal size black and white copies.
 - 2. \$0.50 per page for letter and legal size color copies.
 - 3. The actual cost of any medium upon which a record/information is being produced.
 - 4. Labor when time exceeds one (1) hour. Labor is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
 - i. Labor charges shall be based on the hourly rate of the employees that are necessary to produce the requested material after one (1) hour.

- ii. If more than one employee is involved in responding to the request then the following formula will be used: the one (1) hour of labor that cannot be assessed is to be subtracted from the total number of hours the highest paid employee spends on the request.
- 5. If an outside vendor is used, the actual cost assessed by the vendor.
- F. Payment in advance is required.
- G. Payment may be made in cash, personal check or credit card payable to the City of Gallatin and presented to the City Recorder.

XI. Aggregation of Frequent and Multiple Requests

- A. The City of Gallatin, Tennessee will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC 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).
- B. If more than four (4) requests are received within a calendar month:
 - 1. A records request will be aggregated at the department level.
 - 2. The PRRC is responsible for making the determination that a group of individuals are working in concert.
 - 3. The PRRC or the records custodian will inform the individuals that they have been deemed working in concert and they have the right to appeal the decision to the OORC.
 - 4. Requests for items that are routinely released and readily accessible are exempt. These records include, but are not limited to:
 - i. Meeting Agendas
 - ii. Approved minutes.