

RESOLUTION 2017 - 23

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF COLLIERVILLE, TENNESSEE, APPROVING AND ADOPTING A PUBLIC RECORDS POLICY.

WHEREAS, pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act ("TPRA") (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017; and,

WHEREAS, the policy adopted shall not impose requirements on those requesting records that are more burdensome than state law; and,

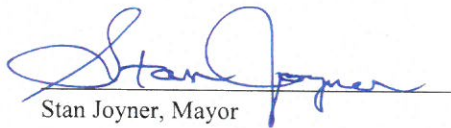
WHEREAS, the Board of Mayor and Aldermen of the Town of Collierville desires to comply with the recent changes in state law as it pertains to public records management.

NOW THEREFORE BE IT RESOLVED by the Board of Mayor and Alderman of the Town of Collierville that the Public Records Policy for Town of Collierville is hereby adopted 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.

Section 1. The Public Records Policy for the Town of Collierville, marked as Exhibit "A" is approved and accepted as the Public Records Policy for the Town of Collierville.

Section 2. This resolution will be in full force and effect upon passage and signatures hereon.

Adopted this the 12th day of June, 2017.


Stan Joyner, Mayor

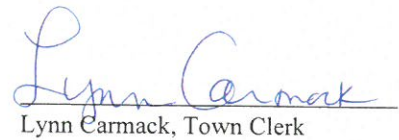

Lynn Carmack, Town Clerk

Exhibit "A"

PUBLIC RECORDS POLICY FOR THE TOWN OF COLLIERVILLE, TENNESSEE

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

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

This Policy is available for inspection and duplication in the office of the Town Clerk. Additionally, this Policy is posted online at <http://collierville.com/>. This Policy shall be reviewed and revised periodically as needed.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Town.

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 ("PRRC"): The Town Clerk, as the individual designated in Section III, A.1(a) of this Policy, who has 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 PRRC 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 PRRC should request a mailing address from the Requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing by the following means:
 - 1. Oral requests for inspection may be made in person or by phone.
 - 2. Written requests for inspection must be made using the Public Records Request Form A, a sample of which is attached. The completed Public Records Request Form A may be returned in person, via U.S Mail, via e-mail (openrecordsrequests@ci.collierville.tn.us) or via facsimile.
- D. Requests for copies, or requests for inspection and copies, must be made in writing using the Public Records Request Form A. The completed Public Records Request Form A may be returned in person, via U.S Mail, via e-mail (openrecordsrequests@ci.collierville.tn.us), or via facsimile.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license or alternative acceptable form of ID required as a condition to inspect or receive copies of public records.
- F. The following records are posted and readily available online at <http://collierville.com/>: public notices; meeting agendas, reports, and minutes; resolutions and ordinances; annual reports; press releases; and other reports and records of the Town. Inspection and/or copies of these records may be requested by following points C and D above.
- G. Town of Collierville will not accept written requests for Public Records via social media. All written requests must be submitted on Public Records Request Form A.
- H. If a Requestor makes two (2) or more requests to view a Public Record within a six-month period, and for each request, the Requestor fails to view the Public Record within fifteen (15) business days of receiving notification that the record(s) are available to view, the Town is not required to comply with any Public Records requests from the Requestor for a period of six (6) months from the date of the second request to view, unless the Town Administrator determines that the failure to view the Public Record was for good cause.

- I. If a Requestor makes a request for copies of a Public Record and, after copies have been produced, the Requestor fails to pay the Town for the cost of producing such copies, the Town is not required to comply with any Public Records requests from the Requestor until the Requestor pays for such copies; provided, that the Requestor was provided an estimated cost for producing the copies and the Requestor agreed to pay the estimated cost for such copies.

III. Responding to Public Records Requests

A. Public Records Request Coordinator (PRRC)

1. The designated PRRCs for the Town are as follows:

- a. Primary PRRC for all Public Records *except* those noted below:

Lynn Carmack, Town Clerk
Collierville Town Hall
500 Poplar View Parkway
Collierville, TN 38017
T: (901) 457-2212
F: (901) 457-2207
lcarmack@ci.collierville.tn.us

- b. Police Records PRRC for inspection/copies of *police reports*:

Cheryl Darden, Police Records Clerk
Collierville Police Department
156 N. Rowlett
Collierville, TN 38017
T: (901) 457-2566
F: (901) 457-2568
cdarden@ci.collierville.tn.us

- c. Fire Records PRRC for inspection/copies of *fire reports*:

Renee Langley, Fire Records Administrator
Collierville Fire Department
1251 Peterson Lake Rd.
Collierville, TN 38017
T: (901) 457-2481
F: (901) 457-2492
rlangley@ci.collierville.tn.us

- d. Court PRRC for inspection/copies of *court records*:

Patrick Lafferty, Municipal Court Clerk

Collierville Municipal Court
101 Walnut Street
Collierville, TN 38017
T: (901) 457-2580
F: (901) 451-2581
plafferty@ci.collierville.tn.us

- e. Collierville Schools District PRRC for inspection/copies of *school system records*:

Jeffrey W Jones, Chief of Staff
Collierville Schools
146 College St
Collierville TN
T. 901-861-7000
jjones@colliervilleschools.org

2. The PRRC shall review Public Record requests to 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 Town is the custodian of the records.
3. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the Requestor of this Policy 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 ground(s) such as the following:
 - i. The Requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA.

- iv. The Town 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 Public Records request to the appropriate Records Custodian in the Town.
- 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.

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 if an exemption applies, the Records 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 B, a sample of which is attached.
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.3.b above, and shall communicate the denial to the Requestor on a Public Records Request Response Form 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 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. 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.

Examples of information subject to redaction are listed in Form C below. 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 counsel or the OORC.

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 offices of the Town shall 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 Records request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at Collierville Town Hall.
- C. Upon payment for postage, copies will be delivered to the Requestor's home address by the United States Postal Service.
- D. The Town Clerk will designate acceptable modalities or equipment for the transfer of information, for example "thumb drives" or discs.

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 may require pre-payment of such charges before producing requested records.
- C. Requests for waivers for fees must be presented to the Town Administrator, who is authorized to determine if such waiver is in the best interest of the Town and for the public good. Fees associated with aggregated records requests will not be waived.
- D. 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 other medium upon which a record/information is being produced.¹
 4. Labor when time exceeds one (1) hour. Labor costs are determined pursuant to the State of Tennessee Comptroller of the Treasury Office of Open Records Counsel Reasonable Schedule of Fees (January 2017), as they may be amended from time to time.
 5. If an outside vendor is used, the actual costs assessed by the vendor.
 6. If a Records Custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the actual costs assessed for retrieval.
- E. No duplication costs will be charged for requests for less than \$ 3.00 .
- F. Payment is to be made in cash, by personal check, or by credit card payable to the Town of Collierville.
- G. Payment in advance may be required when costs are estimated to exceed \$ 3.00 .
- I. Aggregation of Frequent and Multiple Requests
1. The Town 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. Records requests will be aggregated at the entity (Town) level.
 - 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: agendas and approved minutes from policy-setting boards.

¹ Costs for certain police, fire, and court records/reports are charged according to the Town's Fee Schedule. Such charges reflect the actual cost to the City of producing such material or are otherwise authorized by law.

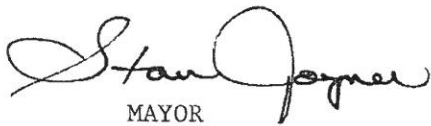
3. Once the aggregation threshold is met, the Records Custodian is no longer required to deduct the labor threshold or any other minimum charge per request threshold that would ordinarily be waived.

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: June 12, 2017


MAYOR


TOWN CLERK

(SEAL)



Town of Collierville

PUBLIC RECORDS REQUEST FORM A

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 or create or recreate records that do not exist.

To: Town Clerk, Town of Collierville, 500 Poplar View Parkway, Collierville, Tennessee 38017

From: Name: _____
Address: _____

Email: _____
Telephone: _____

Is the requestor a Tennessee citizen? Yes No

- Request: Inspection (The TPRA does not permit fees or require a written request for inspection only.²)
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an 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 Records Custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor & Date

Submitted Signature of Public Records Request Coordinator & Date Received

² Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.



Town of Collierville

PUBLIC RECORD REQUEST RESPONSE FORM B

_____ Date

Requestor's Name and Contact Information

In response to your records request received on _____, our office is taking the action(s)³ indicated below:
Date Request Received

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

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 additional 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

The 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 the Town Clerk

Sincerely,

Town Clerk, Town of Collierville

³ If all requested records do not have the same response, so indicate.



Town of Collierville

FORM C TOWN OF COLLIERVILLE OPEN RECORDS PROCEDURES AND POLICIES

Any citizen of Tennessee is entitled to have access to public records.

Requests that require research and/or more than a few copies should be made in writing using the Public Records Request Form A. The Town has seven (7) days to produce the information, deny the request, or provide an estimate of the time and cost to produce the records.

General (not personnel) Records. The following information must be redacted:

- Credit card numbers
- Social security numbers
- Driver's license numbers
- Tax ID numbers
- Bank account information (including bank name, routing number, account number)
- Burglar alarm codes
- Security codes
- Access numbers
- Unpublished phone numbers
- Emergency contingency plans
- Passwords
- Identifying information regarding a person under an order of protection
- Identifying information on domestic violence shelters/rape crisis center

Personnel Records—Must be maintained in one central location, locked and under controlled access. All requests for personnel information regarding police officers must be forwarded to and approved by the Chief of Police, who has the authority not to release information based on circumstances. The following information must be redacted:

- Social security number
- Banking information
- Driver's license number
- Medical records
- Home telephone numbers
- Personal cell phone numbers
- Residential street address
- Place of employment (Police only)
- Names, work addresses and phone numbers of immediate family (Police only)
- Names, locations, phone numbers of schools/day care of spouse and children (Police only)

Police Records—Closed investigations, as determined in the discretion of the Chief of Police, are open records, and on-going investigations are not open. Accident reports, arrest reports, and 911 recordings are open, but all juvenile records are closed.