



PUBLIC RECORDS POLICY FOR CITY OF MEMPHIS

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

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

This Policy is available for inspection and duplication in the office of Open Records Counsel. This Policy is posted online at www.memphistn.gov. This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of City of Memphis except the following offices, departments, or divisions of City of Memphis, which have separate public records policies:

- a. Memphis Light Gas and Water
- b. Memphis Area Transit Authority
- c. Memphis Housing Authority
- d. Memphis Cook Convention Center

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 records 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 records requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee, by mail, in person, or via online submission at www.memphistn.gov, in order to ensure public records 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 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 Public Records Request Form at 125 North Main St., Memphis TN 38103, Room 336.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Public Records Request Form at 125 North Main St., Memphis TN 38103, Room 336 or via the Public Records web portal located at www.memphistn.gov.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative state- or city-issued form of photo ID) is required as a condition to inspect or receive copies of public records.
- F. Public notices, meeting documents, and frequently requested records are posted and readily available on www.memphistn.gov.

III. Responding to Public Records Requests

- A. Public Records Request Coordinator
 - 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 or is an insurance company;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the City of Memphis 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(s) such as one of the following:
 - i. The requestor has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity. (Offer to assist in clarification)
 - iii. An exemption makes the records not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - iv. The City of Memphis 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 and advise the requestor of such action. 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 is:
 - a. Name or title: Public Records Coordinator
 - b. Contact information: 125 N. Main Street, Rm 336, Memphis, TN 38103
901-636-6511
openrecordsrequests@memphistn.gov
4. The PRRC shall report to the governing authority on an annual basis about the City of Memphis' 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 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. The City Attorney's office will contact the OORC if additional assistance is required.

2. If not practicable to promptly provide requested records because additional time is necessary to either 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 notify the PRRC, and within seven (7) business days from the records custodian's receipt of the request, the PRRC shall send the requestor a completed Public Records Request Response Form which is attached 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 as provided in Section III.A.2.b using the Public Records Request Response Form.
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 PRRC 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 PRRC 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 shall notify the PRRC and the PRRC should contact the requestor concerning the omission and produce the records as quickly as practicable.
6. Without prior communication from the PRRC(s), the records custodian shall not directly communicate or provide records to the requestor.

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. If questions arise concerning redaction, the records custodian should coordinate with the PRRC, counsel or other appropriate parties regarding review and redaction of records. The counsel may also consult with the OORC, if necessary, or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, the 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.

III. Inspection of Records

- A. There shall be no charge for inspection of open public records, unless expressly permitted by law.
- B. The location for inspection of records within the offices of City of Memphis should be determined by the records custodian and communicated to the requestor by the PRRC.

- 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. When an appointment is required to inspect, the requestor will be given the opportunity to coordinate the time and days with the PRRC or records custodian.

IV. 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 a location specified by the PRRC.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. Additional permitted means of delivery are electronic.
- D. A requestor will not be allowed to make copies of records with personal equipment, including but not limited to cell phones and photocopiers.
- E. The City of Memphis will not provide documents in a manner that can easily be manipulated or altered, compromising the integrity of the information requested. Records received electronically will be delivered in PDF or locked excel format only.

V. 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 the PRRC with an itemized estimate of the charges prior to producing copies of records. The PRRC will provide the estimate to the requestor and may require pre-payment of such charges before producing requested records.
- C. When fees for labor do not exceed 2 hours and the documents can easily be provided electronically, the fees may be waived. Requests for waivers for fees above \$500 must be presented to the counsel and Director of Communications, who is authorized to determine if such waiver is in the best interest of the City of Memphis and for the public good. Fees associated with aggregated records requests will not be waived.
- D. Fees and charges for copies are as follows (*if higher than the amounts authorized by the OORC Schedule of Reasonable Charges, documentation should be attached*):
 - 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. Other: the cost of the medium on which the records are provided.
 - 4. Labor, when time exceeds 1 hour.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
 - 6. Charges for Memphis Police Department, Memphis Fire Department, and City Engineering records as established prior to this policy are approved and will govern.

- E. No duplication costs will be charged for requests for less than an hour of work and/or sent via electronically.
- F. Payment is to be made by money order, cashier check, or credit card payable to City of Memphis and presented to the PRRC or the appropriate City Division.
- G. Payment in advance will be required when costs are estimated to exceed \$500.
- I. Aggregation of Frequent and Multiple Requests
 - 1. City of Memphis 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 aggregating:
 - a. 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.
 - b. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: agendas/approved meeting minutes.