

PUBLIC RECORDS POLICY FOR ELECTION COMMISSION OF HAYWOOD COUNTY, TENNESSEE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the office of the Election Commission of Haywood County, Tennessee 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.*

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, 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 Election Commission of Haywood County, Tennessee are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Haywood County Election Commission 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 office of the Election Commission of Haywood County, Tennessee, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Election Commission of Haywood County, Tennessee or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the Haywood County Election Commission.

This Policy shall be reviewed annually.

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 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 the Haywood County Administrator of Elections (Public Records Request Coordinator and Records Custodian) in order to ensure public record requests are fulfilled in a timely manner.
- B. Requests for inspection are not 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 copies shall be made in writing utilizing the attached *Public Records Request Form* and delivered to Haywood County Election Commission Office, 50 Boyd Ave, PO Box 88, Brownsville, TN 38012 or emailed to Haywood.Commission@tn.gov
- D. A requestor does not need to submit a public records request to obtain copies of their own records.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) may be required as a condition to receive copies of public records.

III. Responding to Public Records Requests

- A. Haywood County Administrator of Elections
 - 1. The Haywood County AOE 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 Haywood County AOE is the custodian of the records.
 - 2. The Haywood County AOE 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);
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing providing the appropriate ground such as one of the following:

- i. The requestor is not, or has not presented evidence of being, a Tennessee citizen
 - ii. The request lacks specificity (i.e., month and/or year, name);
 - iii. An exemption makes the record not subject to disclosure under the TPRA (provide the exemption in written denial);
 - iv. The Haywood County AOE is not the custodian of the requested records; or
 - 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 in the appropriate government department.
 - e. If requested records are in the custody of a different governmental entity, and the Haywood County AOE knows the correct governmental entity, advise the requestor of the correct governmental entity.
3. The designated Public Records Request Coordinator (PRRC) is:
- a. Andrea Smothers, Haywood County Administrator of Elections
50 Boyd Ave
Brownsville, TN 38012
731-772-1760 phone

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 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* 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 attached *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 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 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. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records.
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 Haywood County Election Commission Office is, 50 Boyd Ave, Brownsville, TN 38012.
- C. Records are available for inspection during business hours which are Monday through Friday 8:30 am until 4:30 pm., excluding lunch hour. Exceptions would be inclement weather or for holidays.

V. Copies of Records

- A. The Haywood County AOE or a Deputy 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 the office of the Haywood County AOE.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

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. Haywood County AOE or Deputy 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. When fees for copies do not exceed \$1.50, the fees may be waived. Requests for waivers for fees above \$1.50 must be presented to the Haywood County AOE, who is authorized to determine if such waiver is in the best interest of the Haywood County and for the public good.
- D. Fees and charges for copies are as follows pursuant to T.C.A. § 8-21-701:
 - 1. \$0.25 per page for letter and legal black and white copies.
 - 2. "Labor" when time exceeds one (1) hour. "Labor" is the time in hours reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
 - 3. If an outside vendor is used, costs assessed by the vendor.
- E. Payment is to be made by cash or personal check payable to Haywood County and will be receipted by the Haywood County Trustee's office
- F. Payment in advance will be required when requesting copies by mail.

PUBLIC RECORDS REQUEST FORM
Haywood County Election Commission

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: Haywood County Election Commission AOE
Public Records Request Coordinator & Record Custodian
50 Boyd Ave
PO Box 88
Brownsville, TN 38012

From: Requestor's Name and Contact Information:

Request:

- ☐ Inspection (The TPRA does not permit fees or require a written request for inspection only.)
- ☐ 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 ☐ 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, any request for inspection or copying of a public record shall be sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

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

PUBLIC RECORD REQUEST RESPONSE FORM
Haywood County Election Commission

Date: _____

Requestor's Name and Contact Information:

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

- ☐ 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 ☐ 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.
 - ☐ You have not paid the estimated copying/production fees. Please remit this form with a check or money order payable to Haywood County AOE in the amount of \$ _____.
 - ☐ The following state, federal, or other applicable law prohibits disclosure of the requested records: _____.
 - ☐ Other _____.
- ☐ 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 Public Records Request Coordinator at (731) 772-1760.

Sincerely,

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