

RESOLUTION NO. 32468

A RESOLUTION AMENDING RESOLUTION NO. 30075 ADOPTING A REVISED PUBLIC RECORDS POLICY TO INCLUDE UPDATES AND REVISIONS IN COMPLIANCE WITH TENN. CODE ANN. § 10-7-504(a) AND TO INCLUDE REVISED FORMS ATTACHED TO SAID POLICY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it hereby amends Resolution No. 30075 adopting a revised Public Records Policy for the City of Chattanooga to include updates and revisions in compliance with Tenn. Code Ann. § 10-7-504(a), and to include revised forms attached to said policy.

The revised Public Records Policy for the City of Chattanooga is attached hereto and made a part hereof by reference.

ADOPTED: April 8, 2025



CITY OF CHATTANOOGA

Public Records Policy

Revised: _____, 2025.



Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy (“Policy”) for the City of Chattanooga (“City”) is hereby adopted by the Chattanooga 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 the State of Tennessee, and those in charge of the records will 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 Chattanooga are presumed to be open for inspection unless otherwise provided by law.

The City of Chattanooga 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 Chattanooga, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Manager for the City of Chattanooga or to the Tennessee Office of Open Records Counsel.

This Policy will be applied consistently throughout all offices, departments, and/or divisions of the City of Chattanooga.

This Policy is available for inspection and duplication in the Office of the City Attorney, 100 E. 11th Street, Suite 200, Chattanooga, TN 37402. This Policy is also posted online at www.chattanooga.gov/openrecords. This Policy shall be reviewed every two (2) years.

I. Definitions:

A. Records Liaison: 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). A Records Liaison is not necessarily the original preparer or receiver of the record.

B. Personally Identifying Information (PII): Personally identifying information in Tennessee includes any data that can identify a person, directly or indirectly. This includes basic

identifiers, such as Social Security numbers and phone numbers, as well as more complex data like IP addresses and geolocation data.

Examples of PII:

- Social Security numbers;
- Driver's License numbers;
- Bank account numbers;
- Credit card numbers;
- Passport numbers;
- Biometric data, such as fingerprints;
- Email addresses;
- IP addresses;
- Precise geolocation data; and
- Street addresses and zip codes, telephone numbers, and insurance information contained in a motor vehicle accident report.

C. 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 in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).

D. Public Records Manager ("PRM"): The individual, or individuals, designated in Section III, A.1 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate Records Liaison and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Manager may also be a Records Liaison.

The designated PRM is:

Public Records Manager
City of Chattanooga Open Records
Office of the City Attorney
100 E. 11th Street, Suite 200
Chattanooga, TN 37402
423-643-8250 (phone)
423-643-8255 (fax)
openrecords@chattanooga.gov

E. Requester: A person seeking access to a public record, whether it is for inspection or duplication.

F. **Open Records Center:** The City's open records web portal designed for accepting and responding to Public Record requests.

G. **Open Records Center Account:** The individual account assigned to a Requester upon registration with the City's online Open Records Center.

H. **Office of Open Records Counsel (OORC):** The OORC serves citizens, media, and local governmental entities as a resource for issues related to Tennessee's public records and open meetings laws.

II. Requesting Access to Public Records

A. In order to ensure Public Record requests are routed to the appropriate Records Liaison and fulfilled in a timely manner, the City encourages all Public Record requests be made to the Public Records Manager through the City's Open Records Center, which can be accessed online at www.chattanooga.gov/openrecords.

B. Using the Tennessee Open Records Request Form (Attachment A), Public Record requests may also be submitted as follows:

1. In writing or in person to the PRM or his/her designee, at the Office of the City Attorney, 100 E. 11th Street, Suite 200, Chattanooga, TN 37402.
2. By email to openrecords@chattanooga.gov.
3. By fax to the Office of the City Attorney at (423) 643-8255.
4. Requests for inspection are not required to be made in writing. The PRM shall request a mailing or email address from the Requester for providing any written communication required under TPRA. Requests for inspection may be made orally, in writing, or by mail in the same manner as set forth in subsection A above.

C. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or government issued photo ID, with address, is required of Requesters as a condition to inspect or receive copies of Public Records.

D. The City will make records available to Requesters online through the Requester's Open Records Center Account, or in person at the Office of the City Attorney, 100 E. 11th Street, Suite 200, Chattanooga, TN 37402; M-F, 8:00 AM – 4:30 PM (excluding holidays). If charges are assessed, payment is required prior to release of records to the Requester.

E. In order for a party's out-of-state attorney/agent/legal representative to obtain copies of public records, a release/authorization must be provided authorizing the release of records to the party's out-of-state attorney/agent/legal representative, as an authorized

exception for individuals who are representing parties who were involved in incidents in the City of Chattanooga.

F. Public Record requests from out-of-state governmental agencies requesting law enforcement records and background checks will be accepted and fulfilled, as an authorized exception, unless prohibited by an expressed legal exception under the TRPA.

G. Under certain circumstances, Public Records may be provided to out-of-state requesters who are not Tennessee citizens, as an authorized exception approved by the City Attorney.

H. A requester is not entitled to special or more expeditious access to records due to the requester's occupation or association with a specific profession. *See* Tenn. Code Ann. § 10-7-503(a)(7)(A).

I. Except as provided in Tenn. Code Ann. § 10-7-504(g), all law enforcement personnel records shall be open for inspection, except as deemed confidential under state law. When the personnel records of a law enforcement officer are inspected or produced in response to a record request, the PRM shall make a record of such inspection and provide notice, within three (3) days from the date of the inspection and production to the officer whose personnel records have been inspected or produced:

1. That such inspection or production has taken place;
2. The name, address and telephone number of the person making such inspection or obtained copies of the personnel file;
3. For whom the inspection or production was made; and
4. The date of such inspection or production.

III. Responding to Public Records Requests

A. The PRM will review Public Record requests and make an initial determination of the following:

1. If the Requester provided evidence of Tennessee citizenship, or other accepted form of identification;
2. If the records requested are described with sufficient specificity to identify them;
3. If the City is the custodian of the records; and

d. The appropriate department and Records Liaison to whom the request should be assigned.

2. Within seven (7) days of the City receiving a Public Records request, the PRM will acknowledge receipt of the request and take any of the following action(s):

a. Make the Public Records available to the Requester;

b. Provide the Requester with an estimate of reasonable costs to produce copies of the requested records.

c. Advise the Requester that it is not practicable for the records to be made promptly available for inspection and/or copying, and furnish the Requester with the estimated time that will be reasonably necessary to produce the records, if not available within seven (7) business days; or

d. If appropriate, deny the request in writing, and include the basis for the denial, such as one of the following:

i. The Requester is not, or has not presented proof of Tennessee citizenship;

ii. The request lacks specificity and is not sufficiently detailed to enable identification of the specific record(s) requested;

iii. The City is not the custodian of the requested records;

iv. The records are exempt from disclosure under the TPRA; or

v. The requested record(s) do not exist.

3. If the request lacks specificity, the PRM will contact the Requester to clarify and narrow the request.

4. If the requested records are in the custody of a different governmental entity, and the PRM knows the correct governmental entity, then the PRM may advise the Requester of the correct governmental entity and Records Custodian for that entity.

5. The City is not required to sort through files to compile information into a new record or to create a record that does not exist. See Tenn. Code Ann. § 10-7-503(a)(4).

B. Records Liaison

1. Each department within the City shall have a Records Liaison tasked with fulfilling requests assigned to his/her respective department.

2. Upon receiving a Public Records request, a Records Liaison shall promptly make the requested records available in accordance with Tenn. Code Ann. § 10-7-503. If the Records Liaison is uncertain that an applicable exemption applies, the Records Liaison shall consult with the PRM or the City Attorney. The PRM may also consult with the Office of Open Records Counsel (OORC) or designee regarding applicable exemptions.

3. If it is 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 the records; to determine whether the records are open; to redact records; or for other similar reasons, then the PRM shall, within seven (7) business days from the PRM's receipt of the request, provide the Requester a response, based on the form developed by the OORC (Attachment B).

4. If the PRM denies a Public Records request, he/she will deny the request in writing as provided in Section III, 3.c. and may use the Public Records Request Response Form (Attachment B).

5. If a Records Liaison reasonably determines that the production of records should be segmented because the request is for a large volume of records, or additional time is necessary to prepare the records for access, the Records Liaison shall notify the PRM, and the PRM shall notify the Requester that the production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the PRM should contact the Requester to see if the request can be narrowed.

C. Redaction

1. If a record contains confidential information, or information that is not open for public inspection, the PRM and/or Records Liaison will prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Records Liaison shall consult with the PRM regarding review and redaction of the records. The PRM may also consult with the City Attorney and/or the OORC, or designee, regarding redactions.

2. Whenever a redacted record is provided, the PRM shall, upon request, provide the Requester with the basis for the redaction. The basis given for the redaction will be general in nature and not disclose confidential information.

3. **Effective until June 30, 2026**, Personally Identifying Information (PII), defined in Paragraph 1(b) above), of any person named in any motor vehicle accident report is confidential and not open for public inspection (*see*, Tenn. Code Ann. § 10-7-504(a)(31)), except as provided as follows:

i. Upon written request, any person named in any motor vehicle accident report, or such person's agent, legal representative, or attorney, certifying that the person has permission from the person, persons, or entities authorized to obtain motor vehicle records information pursuant to Tenn. Code Ann. § 55-25-107(b)(1), (6), or (9), is authorized to receive an accident report containing PII of persons involved in the accident (required certification form is attached as Attachment E);

ii. Any federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency, may use PII in carrying out the agency's functions.

4. The following information of any current City employee, or former employee, shall be treated as confidential and will be redacted from any records requested by a member of the public (*see*, Tenn. Code Ann. 10-7-504(f)):

i. Home and personal cell phone numbers;

ii. Personal, nongovernmental, email addresses;

iii. Bank account and individual savings account, retirement account, and pension account information;

iv. Social Security number;

v. Residential street address;

vi. Driver's license information, except where driving or operating a vehicle is part of the employee's job description or job duties, or incidental to the performance of the employee's job;

vii. The information listed in subsections (i) through (v) of immediate family members, whether or not the immediate family member resides with the employee, or household members; and

viii. Emergency contact information, except for that information open to public inspection in accordance with the TRPA.

IV. Inspection of Records

A. There will be no charge for inspection of Public Records unless the PRM provides the Requester with an express legal exception.

B. The location for inspection of Public Records within any office of the City will be determined by either the PRM and/or the Records Liaison.

C. Under reasonable circumstances, the PRM or Records Liaison may require an appointment for inspection or may require inspection of Public Records at an alternate location. The PRM or Records Liaison will provide the Requester with the time, date, and location for inspection.

D. A Requester will not be allowed to make copies of records with personal equipment.

E. If a Requester makes two (2) or more requests to view a Public Record within a six (6) month period and, for each request, the Requester fails to view the Public Record within fifteen (15) business days of receiving notification that the record is available to view, then the City is not required to comply with Public Records requests submitted by the Requester for six (6) months, unless the City, in its sole discretion, determines that the failure to view the Public Record was for good cause.

V. Copies of Records

A. Copies will be available for pickup at the Office of the City Attorney or online through the Requester's Open Records Center Account.

B. Upon payment for postage, copies will be mailed to the Requester's home address.

C. If a Requester makes a request for copies of Public Records and, after said records have been compiled, the Requester fails to pay the City the cost for producing such copies, the City will not be required to comply with any future Public Records requests submitted by the Requester until the Requester pays for such copies, provided that the Requester was provided with a cost estimate for producing the copies in accordance with this Policy prior to producing the copies, and the Requester agreed to pay the estimated cost for such copies.

VI. Fees and Charges and Procedures for Billing and Payment

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

B. The PRM will provide Requesters with an itemized estimate of the charges prior to producing copies of records, and may require full or partial pre-payment of such charges before producing requested records.

C. 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.

4. Labor when time exceeds one (1) hour.

5. Payment in advance may be required when costs are estimated to exceed \$500.00.

6. If a third party must be utilized to retrieve or otherwise prepare records for disclosure, the actual costs assessed to the City by the vendor will be charged to the Requester.

D. No duplication costs will be charged for production of Public Records incurring a cost of less than \$1.00.

E. Payment is to be made by debit/credit card, or by personal check payable to the City of Chattanooga and must be presented to the PRM or designee at the Office of the City Attorney. Additionally, payment can be made online by debit/credit card at the City's Open Records Center through the Requester's Open Records Center Account.

F. Requests for waiver of fees must be presented to the City Attorney, who is authorized to determine if such waiver is in the best interest of the City of Chattanooga and for the public good. Fees associated with aggregated requests will not be waived.

VII. Aggregation of Frequent and Multiple Requests

A. Fees associated with aggregated record requests will not be waived.

B. The City will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC, when more than four (4) Public Record requests are received within a calendar month (either from a single individual or a group of individuals deemed to be working in concert).

C. If more than four (4) requests are received within a calendar month:

1. Record requests will be aggregated at discretion of the PRM. The PRM must inform the Requester of the determination to aggregate.

2. If requirements for aggregation are met, the PRM is no longer required to deduct the one (1) hour free labor threshold.

3. The PRM is responsible for making the determination that a group of individuals are working in concert. The PRM 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.

VIII. Policy Amendments and Addendums

If appropriate, the PRM will advise the City Attorney, or designee, about the City's implementation of this Policy and will make recommendations, if any, for improvements and/or amendments.

The City Attorney, or designee, will review, and may approve, changes to this Policy as needed, with changes reported to the Chattanooga City Council, Mayor, and the Public Records Manager.

The following forms will be amended periodically and are hereby incorporated by reference and appended hereto:

Tennessee Open Records Request Form (Attachment A) – The items in the appended form will be requested in the open records portal found on the City's Open Records Center when a Requester submits any Public Records request to the City.

Tennessee Open Records Request Response Form (Attachment B) – A completed version of this form will be provided to any Requester through their Open Records Center account.

Office of Open Records Counsel's Schedule or Reasonable Charges (Attachment C)

Office of Open Records Counsel's Reasonable Charges for Frequent and Multiple Request (Attachment D)

Accident Report Certification for Release Without Redaction pursuant to Tenn. Code Ann. § 10-7-504(a)(31) (Attachment E)

Mediation of Disputes Policy (Attachment F)



TENNESSEE OPEN RECORDS REQUEST FORM

(PLEASE PRINT)

Date: _____

Requestor's Name: _____

Requestor's Contact Information: _____
(Mailing Address)

(City/State/Zip Code)

(Telephone Number)

(E-mail address)

Is the requestor a Tennessee citizen? Yes No DLN & State: _____

(A valid driver's license or government issued photo ID MUST be presented with ALL requests)

Type of Record(s) Requested: Accident Report (CPD)* Incident Report (CPD) BWC/ICVAR (CPD)
 911 Records IA Files Fire Report (CFD) McKamey Records Code Inspection Report (ED)
 Building permits (LDO) RFP/Bids (Purchasing) Ordinance/Resolution (Council) Other (please describe)

Description of Record(s) Requested:

Report No(s): _____ Report Date(s): _____

Location: _____

Party(ies) involved: _____

Other (please provide detailed description of record(s) requested): _____

*If requesting a copies of an accident report, were/are you the driver passenger insurer
 attorney/agent/legal representative

Preferred Method to Receive Records: Email Pick-up U.S. Mail

The City has up to seven (7) business days from receipt of this request to inform you that the request is available for release, the request is denied, or the request is still being processed and additional time is needed



TENNESSEE OPEN RECORDS REQUEST RESPONSE FORM

Date: _____

To: _____
(Requestor's Name)

(Mailing Address)

(City/State/Zip Code)

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

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 Office of the City Attorney, 100 E. 11th Street, Suite 200, Chattanooga, TN
 Being delivered via U.S. 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 record(s) requested. You need to provide additional information to identify the requested record(s).
 No such record(s) exist or this office does not maintain record(s) responsive to your request.
 The records requested are part of an ongoing/pending criminal investigation.
 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 record(s):

It is not practicable for the record(s) 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 City 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: _____.

**City of Chattanooga Open Records • Office of the City Attorney
100 E. 11th Street, Suite 200, Chattanooga, TN 37402 • (423) 643-8250**



**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL**

SCHEDULE OF REASONABLE CHARGES

PURPOSE:

Pursuant to Tenn. Code Ann. § 8-4-604(a)(1), the Office of Open Records Counsel (“OORC”) is required to establish a schedule of reasonable charges a records custodian may use as a guideline to charge citizens requesting copies of public records. Additionally, Tenn. Code Ann. § 10-7-503(g) requires each governmental entity subject to the Tennessee Public Records Act (“TPRA”) to establish a written public records policy that includes a statement of any fees charged for copies of public records and the procedures for billing and payment. Accordingly, the following policy sets forth general guidelines for records custodians when assessing reasonable charges associated with record requests under the TPRA.

POLICY:

I. General Considerations

- A. Records custodians may not charge for inspection of public records except as provided by law.
- B. The following schedule of reasonable charges should not be interpreted as requiring records custodians to impose charges for copies of public records. Charges for copies of public records must be pursuant to a public records policy properly adopted by the governing authority of a governmental entity. See Tenn. Code Ann. § 10-7-503(g) and § 10-7-506(a).
- C. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to public records.
- D. A records custodian may reduce or waive charges, in whole or in part, in accordance with the governmental entity’s public records policy.
- E. A records custodian may require payment for copies before producing copies of the records.
- F. The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed based on the purpose of a record request. However, other statutory provisions, such as Tenn. Code Ann. § 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, based upon the type of records requested should be expressly set forth and permitted in the adopted public records policy.

- G. Records custodians shall provide a requestor an estimate of reasonable costs to provide copies of requested records.

II. Per Page Copying Charges

- A. For each standard 8½” x 11” or 8½” x 14” copy produced, a records custodian may assess a per page charge of up to 15 cents (\$0.15) for black and white copies and up to 50 cents (\$0.50) for color copies. If producing duplex (front and back) copies, a charge for two separate pages may be imposed for each single duplex copy.
- B. If the charge for color copies is higher than for black and white copies, and a public record is maintained in color but can be produced in black and white, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy.
- C. If a governmental entity’s actual costs are higher than those reflected above, or if the requested records are produced on a medium other than 8½” x 11” or 8½” x 14” paper, the governmental entity may develop its own charges. The governmental entity must establish a schedule of charges documenting “actual cost” and state the calculation and reasoning for its charges in a properly adopted policy. A governmental entity may charge less than those charges reflected above. Charges greater than 15 cents (\$0.15) for black and white copies and 50 cents (\$0.50) for color copies can be assessed or collected only when there is documented analysis of the fact that the higher charges represent the governmental entity’s actual cost of producing such material, unless there exists another basis in law for such charges.

III. Additional Charges

- A. When assessing a fee for items covered under this section, records custodians shall utilize the most economical and efficient method of producing the requested records.
- B. A records custodian may charge its actual out-of-pocket costs for flash drives or similar storage devices on which electronic copies are provided. When providing electronic records, a records custodian may charge per-page costs only when paper copies that did not already exist are required to be produced in responding to the request, such as when a record must be printed to be redacted.
- C. It is presumed copies of requested records will be provided in person to a requestor when the requestor returns to the records custodian’s office to retrieve the records.
- D. If a requestor chooses not to personally retrieve records and the actual cost of delivering the copies, in addition to any other permitted charges, have been paid by the requestor or otherwise waived pursuant to the public records policy, then a records custodian is obligated to deliver the copies via USPS First-Class Mail. It is within the discretion of a records custodian to agree to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- E. If it is not practicable or feasible for the records custodian to produce copies internally, the records custodian may use an outside vendor and charge the costs to the requester.

- F. If a records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may recover from the requestor the costs assessed for retrieval.

IV. Labor Charges

- A. A records custodian shall utilize the most cost efficient method of producing requested records. Accordingly, a records custodian should strive to utilize current employees at the lowest practicable hourly wage to fulfill public records requests for copies.
- B. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
- C. "Labor threshold" is the first (1st) hour of labor reasonably necessary to produce requested material(s). A governmental entity may adopt a higher labor threshold than one (1) hour. A records custodian is only permitted to charge for labor exceeding the labor threshold established by the governmental entity.
- D. "Hourly wage of an employee" is based upon the base salary of the employee and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour workweek and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.
- E. In calculating labor charges, a records custodian should determine the total amount of labor for each employee and subtract the labor threshold from the labor of the highest paid employee(s). The records custodian should then multiply the amount of labor for each employee by each employee's hourly wage to calculate the total amount of labor charges associated with the request.

Example:

The hourly wage of Employee A is \$15.00. The hourly wage of Employee B is \$20.00. Employee A spends two (2) hours on a request. Employee B spends two (2) hours on the same request. The labor threshold is established at one (1) hour. Since Employee B is the highest paid employee, the labor threshold will be applied to the time Employee B spent producing the request. For this request, \$50.00 could be charged for labor. This is calculated by taking the number of hours each employee spent producing the request, subtracting the threshold amount, multiplying that number by the employee's hourly wage, and then adding the amounts together (i.e. Employee A (2 x \$15.00) + Employee B (1 x \$20.00) = \$50.00).

*Submitted to ACOG: November 8, 2016.
Effective: January 20, 2017*



**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL**

REASONABLE CHARGES FOR FREQUENT AND MULTIPLE REQUESTS

PURPOSE:

Tenn. Code Ann. § 8-4-604(a)(2) requires the Office of Open Records Counsel (“OORC”) to establish a policy related to reasonable charges a records custodian may charge for frequent and multiple requests for public records pursuant to the Tennessee Public Records Act (“TPRA”), Tenn. Code Ann. § 10-7-501, et seq. Accordingly, the following policy sets forth guidelines for assessing reasonable charges associated with the aggregation of multiple and frequent record requests by allowing records custodians to charge for labor and costs that may otherwise be waived when responding to a single record request.

It is within the discretion of each governmental entity to charge for frequent and multiple record requests. Any decision to charge should be consistent with the Schedule of Reasonable Charges promulgated by the OORC and reflected in the governmental entity’s public records policy.

POLICY:

I. Aggregation Policy

- A. Aggregation, as well as excessive fees and other rules, shall not be used to hinder access to public records. A records custodian may reduce or waive, in whole or in part, any charge in accordance with the governing entity’s public records policy.
- B. A governmental entity may include in its public records policy a rule whereby multiple or frequent records requests are aggregated for purposes of calculating charges for copies or duplicates of public records.
- C. A governmental entity may aggregate multiple public record requests made by a single requestor. A governmental entity may also aggregate public record requests made by multiple requestors, if the public records request coordinator determines the requestors are acting in concert with each other or as the agents of another person, entity, or organization.
- D. A governmental entity’s public record policy shall indicate the number of requests within a calendar month that will trigger aggregation; that amount must be no lower than four (4) requests. This amount is the aggregation threshold.
- E. A governmental entity’s public record policy shall specify the level at which records requests will be aggregated, whether for the entire governmental entity or by agency, department, office, or otherwise.

II. Charges for Aggregated Requests

- A. Once a records custodian reaches the aggregation threshold, the records custodian is no longer required to deduct the labor threshold set forth in the Schedule of Reasonable Charges or any other minimum charge per request threshold that would ordinarily be waived.
- B. When the aggregation threshold is met, a records custodian choosing to aggregate requests must inform the requestor(s) of the determination to aggregate and of the right of the requestor(s) to appeal the records custodian's decision to aggregate to the OORC.
- C. Requests for current records that are routinely released and readily accessible, such as agendas or meeting minutes, are exempt from this policy.
- D. Disputes regarding aggregation shall be brought to the OORC.

Submitted to ACOG: November 8, 2016
Effective: January 20, 2017



Accident Report Certification for Release Without Redaction.

Insured/Party Involved in Accident: _____

Date of Accident: _____

Location of Accident: _____

Report No. (if known): _____

I, _____, _____ (title), on behalf of _____ (insurance company), do hereby certify that _____ (third-party requester) is acting on behalf of _____ (insurance company), who insures at least one of the parties named in the automobile accident referred to above, and has authority to obtain an unredacted copy of said report for insurance purposes only. This certification is made pursuant to T.C.A. § 10-7-504(a)(31)(B).

This _____ day of _____, 20____.

Signature of Authorized Representative

(Printed Name)

Contact Information (Address & Telephone number)



Accident Report Certification for Release Without Redaction

Name (*party to accident*): _____

Date of Accident: _____

Location of Accident: _____

Report No. (if known): _____

I, _____, was involved in the automobile accident referenced above. I hereby give consent to the City of Chattanooga, Tennessee to release the accident report referenced above to _____ without redacting any personally identifying information on said report. This person/entity is my (select one) Agent Attorney Legal Representative for purposes of this request.

This certification is made pursuant to Tenn. Code Ann. § 10-7-504(a)(31). I waive any and all claims I may have against the City of Chattanooga connected with the release of the accident report without redacting my personally identifying information.

This _____ day of _____, 20__.

Signature of Party to accident

Address: _____

Telephone Number: _____

Driver's License No. _____

Identification of person receiving report confirmed by photo ID: Yes No

Clerk/Records Custodian: _____



**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL**

MEDIATION OF OPEN RECORDS ISSUES

PURPOSE:

Pursuant to Tenn. Code Ann. § 8-4-601(c), the Office of Open Records Counsel ("OORC") is authorized to informally mediate and assist with the resolution of issues concerning the open records laws compiled in Title 10, Chapter 7 of the Tennessee Code Annotated. The following policy sets forth the guidelines and circumstances for mediation of open records issues by the OORC.

POLICY:

Mediation is the informal process through which a neutral party conducts discussions among disputing parties in order to enable the parties to reach a mutually acceptable agreement among themselves on any or all of the issues in dispute. The OORC may informally mediate and assist with the resolution of disputes when:

- I. The issues in dispute pertain to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 et seq.¹;
- II. The disputing parties mutually consent to have the OORC informally mediate the dispute and agree to enter into mediation with the goal of resolving the matters; and
- III. The parties have both submitted a statement of the issues in dispute and their respective position on the issues.

If the aforementioned requirements are met, the OORC will schedule a time and place convenient for the parties to discuss the issues in dispute and work on informal resolution of the issues.

*Submitted to ACOG: November 8, 2016.
Effective: January 20, 2017*

¹ In accordance with Tenn. Code Ann. § 8-4-601(c), the Office of Open Records Counsel is only authorized to informally mediate issues concerning the Public Records Act.

RESOLUTION NO. 30075

A RESOLUTION AMENDING RESOLUTION NO. 29082 ADOPTING A PUBLIC RECORDS POLICY TO INCLUDE RECENT STATE LAW CHANGES TO TENN. CODE ANN. § 10-7-504(a) AND TO INCLUDE REVISED FORMS ATTACHED TO SAID POLICY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it hereby amends Resolution No. 29082 adopting a public records policy to include recent state law changes to Tenn. Code Ann. § 10-7-504(a) and to include revised forms attached to said policy.

The revised public records policy is attached hereto and made a part hereof by reference.

ADOPTED: September 17, 2019

/vmm/mem