

Hamilton County
Office of the County Attorney
Public Records Policy
Effective August 1, 2025

Pursuant to Tenn. Code Ann. §10-7-503(g) the following Public Records Policy for Hamilton County General Government is hereby adopted by the Hamilton County Commission 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 TRPA 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 a 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 Hamilton County General Government are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Hamilton County General Government 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 Hamilton County General Government shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public records Coordinator for the Hamilton County General Government or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of the Hamilton County Attorney. This Policy is also posted online at www.hamiltontn.gov. This Policy shall be reviewed annually.

This Policy shall be applied consistently through the various offices, departments and/or divisions of Hamilton County General Government except the following offices of Hamilton County, which have separate public records policies:

- Hamilton County Register of Deeds
- Hamilton County Clerk
- Hamilton County EMS
- Hamilton County Human Resources Department
- Hamilton County Assessor of Property
- Hamilton County Sheriff’s Office

I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. *See* T.C.A. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Record: All documents, papers, letters, maps, books, photographs, microfilms, communications (text messages and emails) electronica data processing files, 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* T.C.A. § 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 TRPA. *See* T.C.A. § 10-7-503(a)(1)(B). **Note**: While there is a specific Public Records Coordinator within the Hamilton County Attorney's Office, the County Attorney's Office takes a collaborative approach to responding to public records requests in order to ensure government transparency with the appropriate attention to protection of confidential information.
- 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 via online submission at <https://hamiltoncountyttn.nextrequest.com/> in order to ensure public record requests are routed to the Public Record Request Coordinator **and** the appropriate records custodian in a timely manner.
- B. Public Records Requests may also be submitted as follows:
 - a. In writing or in person to the PRRC at: Office of the County Attorney, 625 Georgia Avenue, Suite 204, Chattanooga, TN 37402
 - b. By telephone to the Office of the County Attorney at: (423) 209-6150. If requesting public records by telephone, the Requestor must expressly identify themselves as a Requestor as required by TPRA.
 - c. Requests for inspection are not required to be made in writing. The PRRCs should request a mailing or email address from the Requestor for providing any written communication required under TRPA.
- C. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or government-issued ID, with address, is required as a condition to inspect or received copies of public records.
- D. The County will make certain records available online.
- E. Public Record requests from out-of-state governmental agencies will be accepted and filled unless prohibited by an expressed legal exception.

III. Responding to Public records Requests:

Public Records Request Coordinator

- a. The PRRC will review Public Record Requests and make an initial determination of the following:
 - i. If the Requestor provided evidence of Tennessee citizenship;
 - ii. If the records requested are described with sufficient specificity to identify them (if there is a question of specificity, the PRRC will consult the County Attorney or Deputy County Attorney); and
 - b. If the County is the custodian of the records.
- The PRRC will acknowledge receipt of the request and take any of the following appropriate action(s):
 - c. 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 requestors.
- Within seven (7) business days of the County receiving a Public Records request, the PRRC will acknowledge receipt and take any of the following action(s):
 - d. Make the Public Records available to the Requestor (after following the procedure as more specifically articulated below);
 - e. Advise the Requestor that it is not practicable for the Public Records to be made promptly available for inspection and/or copying and furnish with the Requestor with the estimated time that will be reasonably necessary to produce the Public Records if not available within the seven (7) business days;
 - f. If appropriate, and only after consultation and approval by the County Attorney or Assistant County Attorney, deny the request in writing and include the basis for the denial.
- If the request lacks specificity, the PRRC will contact the Requestor to clarify and narrow the request.
- The PRRC will forward the Public Records Request to the appropriate Records Custodian. If the request Public Records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, then the PRRC may advise the Requestor of the correct governmental entity and the PRRC for that entity, if known.
- The designated PRRC for Hamilton County is: **Heather Elmore, Legal Administrative Services Manager, Office of the County Attorney.**

Records Custodian

- Upon receiving a Public Records request, a Records Custodian shall promptly make requested Public records available in accordance with T.C.A. § 10-7-503. If the Records Custodian is uncertain that an applicable exemption applies, the Records Custodian may consult with the PRRC and/or the County Attorney (or the Deputy or Staff Attorneys).
- 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 the 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 Record's Response Form B, based on the form developed by the OORC.

- If the Records Custodian believes the Public Record Request should be denied, the Records Custodian must consult with the County Attorney or one of her Assistant County Attorneys prior to said denial. Upon approval by the County Attorney, the Records Custodian will deny the request in writing as provided in Section III, 3.c. and may use the Public Records Response Form B.
- If a Records Custodian reasonably determines that the 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 Response Form B to notify the Requestor 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 Records Custodian should contact the Requestor to see if the request can be narrowed.

Redaction

- If a record contains confidential information or information that is not open for public inspection, the Records Custodian will prepare a redacted copy prior to providing access. If questions arise concerning redaction, the Records Custodian should coordinate with the PRRC. The PRRC and Records Custodian may consult with the County Attorney or one of her Assistant County Attorneys regarding redactions.
- Whenever a redacted record is provided, the PRRC must provide the Requestor with the basis for the redaction. The basis for the redaction will be general in nature and not disclose confidential information.

VI. Inspection of Records

- There will be no charge for the inspection of Public Records unless the Records Custodian provides the Requestor with an express legal exception.
- The location for inspection of Public Records within any office of the County will be determined by either the PRRC or the Records Custodian.
- Under reasonable circumstances, the PRRC or Records Custodian may require an appointment for inspection or may require inspection of Public records at an alternate location. The PRRC or Records Custodian will provide the Requestor with the time, date, and location for inspection.
- If a Requestor makes two (2) or more requests to view a Public Record within a six (6) 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 is available to view, then the County will not comply with a Public Records request to view the Public Record unless the County, in its sole discretion, determines that the failure to view the Public Records was for good cause.

V. Copies of Records:

- Copies will be available for pickup at the Office of the County Attorney or online at the County's Open Records Portal.
- Upon payment for postage, copies will be delivered to the Requestor's home address.
- A Requestor will not be allowed to make copies of records with personal equipment.
- If a Requestor makes a request for copies of a Public Record and, after copies have been produced, the Requestor fails to pay the County the cost for producing such copies, the County will not comply with any Public Records requests from the Requestor until the Requestor pays for such copies, provided that the Requestor was provided with an estimate cost for producing the copies in accordance with this Policy prior to producing the copies and the Requestor against to pay the estimated cost for such copies.

VI. Fees, Charges and Procedures for Billing and Payment

- Records Custodians will 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.
- Fees and charges for copies are as follows:
 - \$.15 per page for letter and legal-size black and white copies.
 - \$.50 per page for letter and legal-size color copies.
 - The actual cost of any other medium upon which a record/information is being produced.
 - Labor when time exceeds one (1) hour.
 - Payment in advance will be required when costs are estimated to exceed \$20.00,
 - If an outside vendor is used, the actual costs will be assessed by the vendor.
- Payment is to be made in cash or by personal check payable to the Office of the County Attorney and be presented to the PRRC at the Office of the County Attorney. Additionally, payment can be made online by credit card at the County's Open Records Center.
- Aggregation of Frequent and Multiple Requests:
 - Fees associated with aggregated records requests will not be waived.
 - The County 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 to be working in concert).
 - If more than four (4) requests are received within a calendar month:
 - Record requests will be aggregated at the Records Custodian level. A Records Custodian having the right to aggregate requests must inform the Requestor of the determination to aggregate.
 - If requirements for aggregation are met, the Records Custodian is no longer required to deduct the one (1) hour free labor threshold.
 - 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.

VII. Policy Amendments and Addendums:

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

The County Attorney will review and approve changes to this Policy as need, with changes reported to the Hamilton County Commission and the Hamilton County Mayor.

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

- **Office of Open Records Counsel's Schedule of Reasonable Charges**
- **Office of Open Records Counsel's Reasonable Charges for Frequent and Multiple Requests**



**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).



**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
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