

# OBION COUNTY GOVERNMENT OBION COUNTY, TENNESSEE PUBLIC RECORDS POLICY

Pursuant to Tenn. Code Annotated 10-7-503(g), the following Public Records Policy for Obion County Government offices is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code annotated 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 of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Annotated 10-7-503 (a)(2)(A). Accordingly, the public records of the Obion County Government offices are presumed to be open for inspection unless otherwise provided by law.

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

This policy is available for inspection and duplication in the Obion County Government offices. This policy shall be reviewed annually.

This Policy shall be applied consistently throughout the various offices/divisions of the Obion County Government including the Obion County Mayor, Obion County Assessor of Property, Obion County Clerk and Master, Obion County Circuit Court, Obion County General Sessions Court, Obion County Juvenile Court, Obion County Clerk, Obion County Register of Deeds, Obion County Trustee, Obion County Election, Obion County Solid Waste, Obion County Emergency Management Agency, Obion County Highway Department, and the Obion County Sheriff Department. However most Juvenile Court records are normally sealed and are not available for public viewing.

Any departmental Public Records Policies that differs from the County Policy may supersede this County Policy.

## **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 Annotated 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 government agency. See Tenn. Code Annotated 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 TPRA. See Tenn. Code Annotated 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 request shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee (or via online submission) in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.

B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing (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 each individual Government office.

D. Request for copies, or request for inspection and copies, may be made in writing using the attached Public Records Request Form at each individual Government office. Designated PRRC(s) are Courthouse Offices (Bill Burnett Circle), EMA - Emergency Management Agency Office (N. 5<sup>th</sup> Street), Solid Waste Department (Mt. Zion Rd.), Highway Department (Phebus Lane), Sheriff's Department (Law Lane), Courthouse Annex (S. 3<sup>rd</sup> Street).

County Clerk, 2 Bill Burnett Circle, Union City, TN 38261; 731-885-3831  
Trustee, 3 Bill Burnett Circle, Union City, TN 38261; 731-885-0951  
Assessor of Property, 4 Bill Burnett Circle, Union City, TN 38261; 731-885-2931  
Register of Deeds, 5 Bill Burnett Circle, Union City, TN 38261; 731-885-9351  
Clerk and Master, 6 Bill Burnett Circle, Union City, TN 38261; 731-885-2562  
Circuit Court Clerk, 7 Bill Burnett Circle, Union City, TN 38261; 731-885-1372  
General Sessions, 9 Bill Burnett Circle, Union City, TN 38261; 731-885-1811  
Juvenile Court, 10 Bill Burnett Circle, Union City, TN 38261; 731-885-4550  
Election Office, 308 Bill Burnett Circle, Union City, TN 38261; 731-885-1901  
EMA Office, 1700 North 5<sup>th</sup> St., Union City, TN 38261; 731-885-599-4347  
Solid Waste Department, 1003B Mt. Zion Rd, Union City, TN 38261; 731-885-8109  
Highway Department, 2388 Phebus Lane, Union City, TN 38261  
Sheriff's Department, 1 Law Lane, Union City, TN 38261  
Mayor's Office, 316 S. 3<sup>rd</sup> Street, Union City, TN 38261; 731-885-9611

Contact the Obion County Mayor's office if questions at 731-885-9611 or fax at 731-885-7515.

E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or other valid ID *is required* as a condition to inspect or receive copies of public records.

F. Public access records (excluding Juvenile Court records) may be viewed online at [obion.tncrtinfo.com](http://obion.tncrtinfo.com) in a limited view.

### **III. Responding to Public Records Requests**

#### **A. Public Record 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. (Not required at this time)
- b. If the records requested are described with sufficient specificity to identify them; and
- c. If the Government Entity 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 any labor threshold and waiver if applicable; and
- iv. Aggregation of multiple or frequent requests.

b. If appropriate, deny the request in writing, providing the appropriate ground such as the following:

- i. The requestor is not, or has not presented evidence of being, a Tennessee citizen
- ii. The request lacks specificity.
- iii. An exemption (provided in written denial) makes the record not subject to disclosure under the TPRA.
- iv. The Obion County Government 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 in the name of the Government Entity.

e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

3. The designated county PRRC(s) are:

Crystal Crain, County Court Clerk  
Tracey Westbrook, County Trustee

Judy Smith, Assessor of Property  
Cheryl Reddin, Register of Deeds  
Paula Rice, Clerk and Master  
Harry Johnson, Circuit Court Clerk  
Regina Whaley, Youth Services Officer Juvenile Court  
Leigh Schlager, Administer of Elections  
Danny Jowers, EMA Director  
Travis Alexander, Solid Waste Director  
Gary Lofton, Highway Superintendent  
Karl Jackson, Sheriff  
Benny McGuire, County Mayor

Contact individual departments or the Obion County Mayor's Office, 316 S. 3<sup>rd</sup> Street, Union City, TN 38261. Telephone 731-885-9611. Fax 731-885-7515.

4. The PRRC(s) shall report to the governing authority on an annual basis about Obion County Government offices' compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvements 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 Annotated 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then the records custodian shall, within (7) business days from the records custodian's receipt of the request, 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 records custodian shall use the Public Records 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. The records custodian and the PRRC may consult with the OORC or with the Office of Attorney General and Reporter.

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 the inspection (without copies) of open public records on site.

B. The location for inspection of records within the offices of each Obion County Government Office should be determined by either the PRRC or the records custodian. Records are available for inspection in county offices Monday through Friday, 8:30am – 4:00pm, excluding Obion County's posted holidays.

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. An appointment is necessary for inspection of records dated before 1960.

#### **V. Copies of Records**

A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

B. Copies will be available at the requested Government Office.

C. Upon payment for postage and the required amount for 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. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require prepayment of such charges before producing requested records.

C. Fees for copies and labor may be waived provided a request for waiver is presented to a designated PRRC who is authorized to determine if such waiver is in the best interest of the Obion County Governmental Office and for the public good.

D. Fees and charges for copies are as follows:

1. \$.50 per page for copies \$5.00 for a certified copy per TCA Code Annotated 8-21-401 (i)(4)(5).

2. Postage and fax charges, if applicable.

3. Labor when time exceeds 1 hour. \$20 per hour maximum charge for time exceeding 1 hour.

4. If an outside vendor is used, the actual costs assessed by the vendor.

E. Payment is to be made in cash, credit card, cashier check, or money order made payable to the office of the record request.

F. Payment in advance may be required.

### **I. Aggregation of Frequent and Multiple Requests**

1. The Obion County Government Offices 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.

#### **2. Aggregating**

a. The level at which records requests will be aggregated.

b. 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 of the OORC.

c. Routinely released and readily accessible records may be excluded from aggregation.

