

# PUBLIC RECORDS POLICY FOR CONSOLIDATED UTILITY DISTRICT OF RUTHERFORD COUNTY, TENNESSEE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Consolidated Utility District of Rutherford County, Tennessee is hereby adopted by the Board of Commissioner of Consolidated Utility District of Rutherford County, Tennessee 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 Consolidated Utility District of Rutherford County, Tennessee are presumed to be open for inspection unless otherwise provided by law.

Personnel of Consolidated Utility District of Rutherford County, Tennessee 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 Consolidated Utility District of Rutherford County, Tennessee, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Consolidated Utility District of Rutherford 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 General Manager at 709 New Salem Road, Murfreesboro, Tennessee 37129. This Policy is posted online at [www.cudrc.com](http://www.cudrc.com). This Policy shall be reviewed annually.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Consolidated Utility District of Rutherford County, Tennessee.

## **I. Definitions:**

A. *Records Custodian*: The office, official or employee lawfully responsible for the direct custody and care of public records. 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 Public Records Request Coordinator” PRRC” or his/her designee 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 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 No. 1 at 709 New Salem Road, Murfreesboro, Tennessee 37129, or by phone at (615) 893-7225.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing Form No. 1 at 709 New Salem Road, Murfreesboro, Tennessee 37129.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license (or by presentation of a photo identification license issued by the Tennessee Department of Safety) is required as a condition to inspect or receive copies of public records.
- F. The Public Records Policy for Consolidated Utility District of Rutherford County, Tennessee shall be placed online at [www.CUDRC.com](http://www.CUDRC.com).

## **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;
  - b. If the records requested are described with sufficient specificity to identify them; and
  - c. If the Governmental 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 labor threshold and waivers, if applicable); and
    - iv. Aggregation of multiple or frequent requests will be assessed with additional costs, in accordance with T.C.A. 8-4-604 (2), if more than two requests per calendar year are made from the same person, business, or entity. The fee for this is outlined below in VI, Fees and Charges And Procedures for Billing and Payment D6.
  - 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. (CUD will offer assistance in attempting to clarify the reason for its determination that the request lacks specificity.)
    - iii. An exemption makes the record not subject to disclosure under the TPRA. The reason for the exemption will be provided
    - iv. The Governmental Entity 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 Consolidated Utility District of Rutherford County, Tennessee.
  - 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 PRRC(s) is(are):
  - a. Name or title: Administrative Assistant to the General Manager of Consolidated Utility District of Rutherford County, Tennessee.
  - b. Contact information: 709 New Salem Road, Murfreesboro, Tennessee 37129, Phone number: (615) 893-7225.
4. The PRRC(s) shall report to the governing authority (Board of Commissioners) on an

annual basis about the Governmental Entity's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy to the Board of Commissioners.

**B. Records Custodian**

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, 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 which is attached as Form No. 2, 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 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 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 the review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
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 of open public records.
- B. The location for inspection of records within the offices of Consolidated Utility District of Rutherford County, Tennessee should be determined by either the PRRC or the records custodian.
- 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.

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

- A. A records custodian shall promptly respond to a public record request for copies in the most economical and efficient manner practicable.
- B. Copies will be available for pickup at Consolidated Utility District of Rutherford County, Tennessee.
- 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. Charges for public records are as noted in VI. D below.
- B. Records custodians shall provide requestors with an itemized estimate of the charges using Form No. 3 prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$1.00, the fees may be waived. Requests for waivers for fees above \$1.00 must be presented to the Administrative Assistant to the General Manager of Consolidated Utility District, who is authorized to determine if such waiver is in the best interest of Consolidated Utility District of Rutherford County, Tennessee, and for the public good. However, if that is the case there needs to be a clear understanding of who is authorized to make that determination and why it is in the best interest, and for, the public good. The Administrative Assistant to the General Manager shall decide whether a waiver should occur and why it is in the best interest for the public good. Further, fees associated with aggregated records will not be waived.
- D. 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. Other: The charges referenced above in numbers 1 and 2 shall apply for larger items such as maps and plats if those items can be produced on letter and/or legal-sized paper. However, if the requestor desires the traditional size of the maps and/or plats, the fee for each page of such map or plat will be those shown on Public Records Estimated Cost Form No. 3. If the items requested can be placed on a flash drive, the cost for the flash drive will be \$5.00.
  4. Labor, when time exceeds 1 hour, is at a cost of \$40.00 per hour.
  5. If an outside vendor is used, the actual costs are assessed by the vendor.
  6. If a request is classified as multiple or frequent, as described in III Responding to Public Records Request A.2.a. IV above, the minimum charge is \$40.00, which will include the first hour of labor required to comply with the request. The charge shall be \$40.00 for each hour thereafter. If copies are requested, the cost is the same as above.
- E. No duplication costs will be charged for requests totaling less than \$1.00 in fees.
- F. Payment is to be made in cash, by personal check, payable to Consolidated Utility District of Rutherford County, Tennessee or by debit card or credit card and presented to the cash receipts department. If payment is made by debit card or credit card processing fees will be made as shown on Public Records Estimated Cost Form No. 3.
- G. Payment in advance will be required when costs are estimated to exceed \$10.00.

# PUBLIC RECORDS REQUEST – FORM 1

*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:** Consolidated Utility District, Administrative Assistant to the General Manager of Consolidated Utility District of Rutherford County, Tennessee.

**From:** Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Is the requestor a Tennessee citizen?**  Yes  No

**Request:**  Inspection (The TPRA does not permit fees or require a written request for inspection only)

Copy/Duplicate

Electronic

If costs for copies are assessed, the requestor has the 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

Electronic  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, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.*

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*Signature of Requestor and Date Submitted*

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*Signature of Public Records Coordinator and Date Received*

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