

PUBLIC RECORDS POLICY
FOR DYER COUNTY, TENNESSEE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Dyer County, Tennessee is hereby adopted by the Dyer County Legislative Body 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 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 Dyer County, Tennessee, are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the office of the applicable PRRC designated on the attached **Form A**.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Dyer County, Tennessee. I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records:

- A. Public record requests shall be made to the 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 appropriate contact information 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 **Form B**. Requests may be made in person or by telephone, fax or mail. If the applicable department begins to use email to transact official business then request may also be made by email. If the applicable department begins to participate in an internet portal for public records request then request may also be made through such portal.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached **Form B**. Requests may be made in person or by fax or mail. If the applicable department begins to use email to transact official business then request may also be made by email. If the applicable department begins to participate in an internet portal for public records request then request may also be made through such portal.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records.

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 receiving department 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 required for copies; iii. Fees, labor
 - threshold and waivers; and iv. Aggregation of
 - multiple or frequent requests.

- b. If appropriate, deny the request in writing, providing the appropriate ground, such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity. The PRRC will assist in clarification efforts.
 - iii. An exemption makes the record not subject to disclosure under the TPRA. The PRRC will provide the exemption in written denial.
 - iv. The receiving department 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.
- 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 the PRRC for that entity if known.

3. The designated PRRCs are identified on the attached **Form A**.

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 C**, 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 Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction:

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. 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 inspection of open public records unless specifically authorized by law.
- B. The location for inspection of records within the applicable department 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.

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 for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. The PRRC or records custodian may deliver copies by other appropriate means of delivery.
- 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 will require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$5.00, the fees may be waived by the PRRC or records custodian.
- 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. Any statutorily or otherwise authorized copy or document related charges. Also, actual costs when documented to exceed \$0.15 per page.
 - 4. Labor when time exceeds one (1) hour.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash or by personal check payable to the applicable department and presented to the PRRC/records custodian. F. Payment in advance will be required.
- G. Aggregation of Frequent and Multiple Requests
 - 1. The applicable department 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 (either from a single individual or a group of individuals deemed working in concert).
 - 2. The level at which records requests will be aggregated is the applicable department.
 - 3. 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.
 - 4. Routinely released and readily accessible records shall be excluded from aggregation.

FORM A
Public Records Request Coordinators (PRRCs)
For the Various Departments of Dyer County, Tennessee

<p>Dyer County Mayor P O Box 1360 Dyersburg, TN 38025 Ph: 731-286-7800; fax: 731-286-6462 dyermayor@co.dyer.tn.us</p> <p>Dyer County Trustee P O Box 1360 Dyersburg, TN 38025 Ph: 286-7801; fax: 731-288-7712 trustee@co.dyer.tn.us</p> <p>Dyer County Property Assessor P O Box 1360 Dyersburg, TN 38025 Ph: 731-286-7804; fax: 731-288-7708 Sheila.holmes@cot.tn.gov</p> <p>Dyer County Chancery Court Clerk P O Box 1360 Dyersburg, TN 38025 Ph: 286-7818; fax: 731-288-7806 Cindy.rose@tncourts.gov</p> <p>Dyer County General Sessions & Circuit Clerk P O Box 1360 Dyersburg, TN 38025 Ph: 731-286-7808; fax: 731-286728 tjjones@usit.net</p> <p>Dyer County Court Clerk P O Box 1360 Dyersburg, TN 38025 Ph: 731-286-7814; fax 731-288-7719 diane.moore@tn.gov</p>	<p>Dyer County Election Registrar P O Box 1360 Dyersburg, TN 38025 Ph: 731-286-4286 fax: 731-286-3581 Dyer.commission@tn.gov</p> <p>Dyer County Building @ Zoning 1910 Pioneer Rd. Dyersburg, TN 38024 Ph: 731-287-0775; fax: 731-287-7684 ddozier@co.dyer.tn.us</p> <p>Dyer County Sheriff 401 E Cedar St. Dyersburg, TN 38024 Ph: 731-285-2802; fax: 731-286-7828 jbox@co.dyer.tn.us</p> <p>Dyer County Highway Superintendent 1920 Pioneer Rd. Dyersburg, Tn 38024 Ph: 285-7838 fax: 731-286-5677 dyercountyhighway@yahoo.com</p> <p>Dyer County Fire & Emergency Management 1910 Pioneer Rd. Dyersburg, TN 38024 Ph: 731-286-7831; fax: 731-287-8817 jmedling@onemain.com</p> <p>Dyer County Register's Office P O Box 1360 Dyersburg, TN 38025 Ph: 731-286-7806; fax: 731-288-7724 dfowlkes@co.dyer.tn.us</p>
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FORM B

PUBLIC RECORDS REQUEST FORM FOR DYER COUNTY, TENNESSEE

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: Department PRRC (see **Form A**).

From: _____
Requestor's Name

Requestor's Contact Information:

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

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____? If so, initial here: _____.

Delivery preference: ☐ On-Site Pick-Up
☐ Electronic

☐ USPS First-Class Mail
☐ Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, 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.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

FORM C
PUBLIC RECORD REQUEST RESPONSE FORM FOR DYER COUNTY, TENNESSEE

Date: _____

To: _____
Requestor's Name

Requestor's Contact Information:

In response to your records request received on _____ our Department is taking the action(s)¹ 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 following location:

_____ ; or

☐ Being delivered via: ☐ USPS 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 requested record(s).
You need to provide additional information to identify the requested record(s).

☐ No such record(s) exists or this office does not maintain record(s) responsive to your request.

☐ 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 records:

_____.

☐ It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

☐ It has not yet been determined that records responsive to your request exist; or

☐ The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact me.

Sincerely,

PRRC/Records Custodian

Contact information:

¹ If all requested records do not have the same response, so indicate.