

**SOUTHWEST TENNESSEE COMMUNITY COLLEGE****SUBJECT: Inspection and Copying of Public Records****EFFECTIVE DATE: July 1, 2000; Revised August 23, 2013; Revised April 25, 2022****Purpose**

The purpose of this policy is to set forth the procedure for handling public records requests made to Southwest Tennessee Community College (“Southwest” or “the College”).

**Definitions**

Labor- Time reasonably necessary for College employees to produce the requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

Labor threshold- Reasonably necessary labor performed by College employees during the first hour of work associated with producing the requested records.

Public Record- Documents, papers, letters, maps, books, photographs, microfilm, electronic data processing files and output, films, sound recordings, or other material regardless of physical form or characteristics made or received in connection with the transaction of official Southwest business.

Public Records Request Coordinator- The College employee designated to receive and evaluate requests to inspect and copy records. For purposes of this policy, the Public Records Request Coordinator is the College’s Associate Vice President of Communications and Marketing.

Records Custodian- The office, official, or employee lawfully responsible for the direct custody and care of a public record.

Requestor- A person seeking access to a public record, whether it is for inspection or duplication. For purposes of this policy the requestor must be a Tennessee citizen.

**Policy**

Records made or received in connection with the transaction of official Southwest business will be open for personal inspection by any citizen of Tennessee during business hours, unless otherwise provided by law or regulation. The person may also request copies of the records. Copying costs are discussed below.

The Associate Vice President of Communications and Marketing or an appointed designee serves as the College’s Public Records Request Coordinator (“PRRC”). The PRRC is responsible for administering this policy and publishing any necessary procedures.

## **Procedure**

### General Accessibility of Public Records

Southwest employees will provide timely and efficient access to Tennessee citizens requesting to view or receive copies of public records. No provision of this policy will 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 College, will be protected as provided by current law.

Pursuant to Tennessee Board of Regent's ("TBR") requirements, the name and contact information of the College's PRRC will be provided to TBR. The PRRC will report to TBR annually regarding Southwest's compliance with the Tennessee Public Records Act and will make recommendations to TBR, if any, for improvement or changes regarding open records matters.

### Requesting Access to Public Records

- A. Public record requests must be communicated to the College's PRRC to ensure public record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- B. The PRRC will not require that requests **for inspection only** be made in writing. However, the PRRC will require a written request to facilitate recordkeeping and ensure accuracy in fulfilling the request. The PRRC will request a mailing or email address from the Requestor for the purpose of providing any written communications required under the Tennessee Public Records Act.
- C. Requests for inspection only may be made orally or in writing using the Public Records Request Form provided herein as "Attachment A" on page 10. Requests for inspection may be presented in person or by mail, phone, fax, email, or internet portal.
- D. Requests for copies, or requests for inspection and copies, shall be presented in writing using "Attachment A" on page 10 herein. Requests for copies may be made in person or by mail, phone, fax, email, or internet 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.

### Responding to Public Records Requests

#### A. Public Record Request Coordinator

1. The PRRC for Southwest is the Associate Vice President of Communications and Marketing or a designee. The PRRC will review 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 Southwest is the custodian of the records.

2. The PRRC will acknowledge receipt of the request and take any of the following appropriate actions:
  - a. Advise the Requestor of this policy and the elections made regarding:
    - (1) Proof of Tennessee citizenship;
    - (2) Form(s) required for copies;
    - (3) Fees (and labor threshold and waivers, if applicable); and
    - (4) Aggregation of multiple or frequent requests.
  - b. If appropriate, deny the request in writing, providing the appropriate grounds, such as:
    - (1) The Requestor is not, or has not presented evidence of being, a Tennessee citizen.
    - (2) The request lacks specificity. (Offer to assist in clarification)
    - (3) An exemption makes the record not subject to disclosure under the TRPA. (Provide the exemption in written denial)
    - (4) The College is not the custodian of the requested records.
    - (5) 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 College.
  - e. If requested records are in the custody of a different institution, and the PRRC knows the correct institution, advise the Requestor of the correct institution and PRRC for that entity.

#### B. Records Custodian

1. Upon receiving a public records request, the Records Custodian will make the requested records available. If the Records Custodian is unsure if an applicable exemption applies, the Records Custodian may consult the PRRC or the appropriate TBR representative.
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 provided herein as "Attachment B" on page 11.
3. If a Records Custodian denies a public record request, the Records Custodian will provide it in writing pursuant to section A.2.b. above using the Public Records Request Response Form, which is "Attachment B" below.
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 will use the Public Records Request Response Form, which is "Attachment B" below, 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 that records responsive to a 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 will prepare a redacted copy prior to granting access to the Requestor. If questions arise concerning redaction, the Records Custodian should coordinate with TBR's legal counsel or other appropriate parties regarding review and redaction of records. The Records Custodian and the PRRC may also consult with the Tennessee Office of Open Records Counsel or with the Tennessee Attorney General's office.
2. Whenever a redacted record is produced, a Records Custodian should provide the Requestor with the basis for the redaction. The basis given for redaction will be general in nature and not disclose confidential information.

### Inspection of Records

- A. There is no charge for the inspection of open public records.
- B. The location for inspection of records within the offices of the College will be determined by the PRRC.
- C. The PRRC may require an appointment for inspection of the records. The PRRC shall not allow a Requestor to inspect original records outside the presence of a College employee designated by the PRRC. The PRRC must take reasonable precautions to ensure that the integrity of the public records is maintained during the inspection.
- D. Requests to inspect records must be made for a specific record. Southwest is not required to create records or compile information. If the record is unavailable for some reason, such as being used for official business, or filed at a remote site, the Requestor will be apprised of the situation, as well as when to return to inspect the record. All efforts will be made to provide the requested records within a reasonable period of time.
- E. Requests to inspect public records by a representative of the news media, i.e. newspaper, radio, television, magazine, etc., must be made through the PRRC who will arrange the inspection.

Copies of Records

- A. A Records Custodian will respond to a request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the PRRC.
- C. The Records Custodian or a College employee will take the records to the Creative Printing Services department to make copies for the Requestor. That employee will then provide the Requestor with an invoice for the copies. The Requestor must pay the invoice in the Bursar's Office and give the receipt to the PRRC, Records Custodian, or designee to obtain the records.
- D. Depending on the form of the records, i.e. microfiche, microfilm, etc., it may be more appropriate for the copies to be made on a department's special copier. In those cases, the copies may be made by the department, however, payment of the copying fee shall still be made in the Bursar's Office and the receipt must be given to the PRRC, Records Custodian, or designee to obtain the records.
- E. If it is not immediately convenient for the Records Custodian or designee to make the copies, the Requestor will be advised when and where the copies will be available for pickup and that payment for the copies must be made in the Bursar's Office. All efforts will be made to make the copies within a reasonable period of time.
- F. Upon pre-payment for postage, in addition to the cost of the copies, copies will be delivered to the Requestor's home address by the United States Postal Service. Another means of delivery, such as commercial delivery service, may be chosen by the Requestor, subject to pre-payment of the cost of delivery.
- G. A Requestor will not be allowed to make copies of records with personal equipment if the cost of production of the records exceeds fifty dollars (\$50.00).
- H. If copies are to be provided by the College in an electronic format, the College must provide the flash drive or other device used to store the media, at the expense of the Requestor. Under no circumstances may a Requestor provide a data storage device that will be connected to the College's IT system or other equipment.
- I. Electronic records will be produced only in a read-only format.
- J. An extra copy of the records should be made and forwarded to the PRRC, along with a copy of the completed Public Records Request Form provided herein as "Attachment A" on page 11.

### 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 them. No charges will be assessed for copies and duplicates unless the production costs exceed fifty dollars (\$50.00).
- B. Prior to producing copies of records, the Records Custodians or the PRRC will provide Requestors with an itemized estimate of charges shown on the Cost Estimate Form provided herein as “Attachment C” on page 12. Pre-payment may be required before producing the requested records.
- C. When fees for copies and labor do not exceed one hundred dollars (\$100.00), the fees may be waived by the President.
- D. Requests for waiver of fees more than fifty dollars (\$50.00) must be presented to the College’s Chief Financial Officer (CFO), who is authorized to determine if such waiver is in the best interest of the College and for the public good. The CFO’s opinion will be shared with the President prior to the President making a determination. Fees associated with aggregated records requests will not be waived.
- E. Fees for copies and labor must be paid to the Bursar’s Office in all cases before release of the copies.
- F. Fees and charges for copies are as follows:
  1. \$0.15 per page for 8 ½” x 11” and 8 ½” x 14” black and white copies.
  2. \$0.50 per page for 8 ½” x 11” and 8 ½” x 14” color copies. Prior to copying records in color, the Requestor must consent to paying for the color copies.
  3. The charge for a duplex copy will be the same as the charge for two (2) separate copies.
  4. If a copy of a public record is produced on a medium size paper other than for 8 ½” x 11” or 8 ½” x 14”, the PRRC will assess a copy charge equal to the actual cost of producing a copy of the public record, taking into consideration the amount of material, equipment costs, and the cost of the alternative medium.
  5. The PRRC must charge the Requestor the actual costs incurred in producing the records in the format requested, in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format, or in accessing backup files if:
    - a. The requested records exist electronically, but not in the format requested;
    - b. A new or modified computer program of application is necessary to put the records in a readable and reproducible format; or
    - c. It is necessary to access backup files.

6. Information on computer tapes, tape recordings, and other electronic formats should be copied in a printed format whenever possible and an actual reproduction of the computer tape, etc. should not be provided.
7. The TRPA does not require the College to provide public records to a Requestor in the format requested by the Requestor (for example, a format that can be manipulated; paper instead of electronic).
8. When providing electronic copies of public records, the PRRC will charge per-page copying costs only when paper copies that did not already exist were required to be produced in responding to the request, such as when an electronic public record must be printed and redacted.
9. The PRRC may charge the actual costs for flash drives or similar storage devices on which electronic copies are provided.
10. If an outside vendor is used, the actual costs assessed by the vendor must be charged to the Requestor.

#### Fees for Labor Costs

1. The PRRC must charge the Requestor the hourly wage of the employees reasonably necessary to produce the requested records, above the labor threshold.
  - a. The “labor threshold” is the labor of the employee(s) reasonably necessary to produce requested records for the first hour incurred by the College in producing the records.
  - b. “Labor” means the employee time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
  - c. The “hourly wage” is based upon the employee(s) base salary and does not include benefits.
2. In calculating the labor costs to be charged to the Requestor:
  - a. First, determine the number of hours each employee spent producing the requested public records;
  - b. Second, subtract the one (1) hour labor threshold from the number of hours the highest paid employee spent producing the request;
  - c. Third, multiply the total number of hours to be charged for the labor of each employee by that employee’s hourly wage; and
  - d. Fourth, add together the totals for all the employees involved in the request to determine the total amount of the labor costs to be charged to the Requestor.
3. Labor costs should be tracked based on tenths of an hour, rounded down.
4. The PRRC should strive to ensure that current employees with the lowest practicable hourly wage be used to fulfill public records requests. However, the PRRC has the discretion to determine that it is more cost effective to utilize a higher-compensated

employee if they can accomplish the task more efficiently, which may result in lower total labor costs.

The PRRC has the discretion to determine how payment for production costs must be made (e.g., cash, check, credit/debit card). Payment will be made in the Bursar's Office. The receipt will be given to the College's PRRC, Records Custodian or employee designated to give the copies to the Requestor.

Payment in advance will be required when costs are estimated to exceed fifty dollars (\$50.00).

#### Aggregation of Frequent and Multiple Requests

- A. The College will aggregate record requests in accordance with the [Frequent and Multiple Request Policy](#) promulgated by the Tennessee Office of Open Records Counsel when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed to be working in concert).
- B. When Aggregating:
  1. The level at which records requests will be aggregated is at the College level.
  2. 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 are considered to be working in concert and that they have the right to appeal the decision to the Tennessee Office of Open Records Counsel.
  3. The PRRC may determine that certain material are routinely released and readily accessible records and exclude it from aggregation.

#### Confidentiality Exceptions

- A. Exceptions to the right to inspect or copy public records include, without limitation:
  1. Records made confidential by the TRPA itself or by other Tennessee law; and
  2. Records Southwest is required to keep confidential by federal statute or regulation as a condition for receipt of federal funds or for participation in a federally funded program.

#### Other Provisions


- A. Notwithstanding the form of the record, production (copying) of records will be made in a form as best determined by the Records Custodian. No records shall be produced (copied) in a form to further a commercial, business, or similar purpose, i.e. mailing labels, envelopes, telephone numbers list, etc.



- B. This procedure will not apply to Southwest departments requesting to inspect and/or receive copies of records for College business. Notwithstanding, however, the Records Custodian may require the requesting department to certify as to the purpose of its request.

Source of Policy: TBR; TCA 10-7-501, et seq      **Responsible**  
Administrator: AVP Comm & Marketing

Related Policy: \_\_\_\_\_      TBR Policy/Guideline Ref: 1.12.00.00

Approved:       Date: April 25, 2022  
President

# SOUTHWEST

## TENNESSEE COMMUNITY COLLEGE

P.O. Box 780 • Memphis, TN 38101-0780 • (901) 333-5000 • www.southwest.tn.edu

### Attachment A- PUBLIC RECORDS REQUEST FORM

*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:** Southwest Tennessee Community College, Public Records Request Coordinator

**From:** [Insert Requestor's name, telephone number, physical address and email address]

**Is the Requestor a Tennessee citizen?** YES \_\_\_\_\_ NO \_\_\_\_\_

**Request:** \_\_\_\_\_ Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>1</sup>.)

\_\_\_\_\_ Copy/Duplicate

If costs for copies are assessed, the Requestor has a right to receive an estimate.

**Delivery preference:** \_\_\_\_\_ On-Site Pick-Up \_\_\_\_\_ USPS First-Class Mail  
\_\_\_\_\_ On-Site Pick-Up \_\_\_\_\_ 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**

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records.

# SOUTHWEST

## TENNESSEE COMMUNITY COLLEGE

P.O. Box 780 • Memphis, TN 38101-0780 • (901) 333-5000 • www.southwest.tn.edu

### Attachment B-PUBLIC RECORD REQUEST RESPONSE FORM

Requestor's Name and Contact Information: \_\_\_\_\_ Date: \_\_\_\_\_

In response to your records request received dated \_\_\_\_\_ our office is taking the following action<sup>1</sup>:

- 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 the person listed below.

\_\_\_\_\_, Records Custodian or Public Record Request Coordinator

\_\_\_\_\_ job title and \_\_\_\_\_ telephone number or email address

<sup>1</sup> If all requested records do not have the same response, so indicate.

Attachment C



P.O. Box 780 • Memphis, TN 38101-0780 • (901) 333-5000 • www.southwest.tn.edu

**ESTIMATE OF PRODUCTION COSTS FORM**

Southwest policy 1:12:00:00/4, Inspection and Copying of Public Records

**BASIC INFORMATION**

To: \_\_\_\_\_

From: \_\_\_\_\_

Date estimate provided to requestor: \_\_\_\_\_

Date public records request was received by College: \_\_\_\_\_

Description of public records requested: (The PRRC may attach a copy of the request)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ESTIMATE OF PRODUCTION COSTS**

The production costs for a public records request are the reasonable costs that the College anticipates it will incur to produce copies of the public records requested. Production costs consist of copying costs, labor costs, and delivery costs. Copying costs consist of the costs related to making copies of the public records requested by the requestor by photographic or other means of duplication. Labor costs consist of the employee time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records. Delivery costs consist of the costs incurred by the College in delivering the records to the requestor.

Estimate of total copying costs: \_\_\_\_\_

Estimate of total labor costs (minus labor threshold): \_\_\_\_\_

Estimate of total delivery costs: \_\_\_\_\_

**Estimate of total production costs (copying + labor + delivery):** \_\_ \_\_

**Payment for Production Costs and Estimated Date Public Records will be Available**

The College will begin the process of producing the records you requested. The College estimates that the records you requested will be available on \_\_\_\_\_.

Because the estimated total production costs are greater than fifty dollars (\$50.00), the College requires you to pre-pay at least fifty percent (50%) of the estimated total production costs prior to the College beginning the process of producing the records you requested. The College estimates that the records you requested will be available within \_\_\_\_\_ days after the College receives pre-payment of at least fifty percent (50%) of the estimated total production costs.