

RESOLUTION 21-164

A RESOLUTION ESTABLISHING AN OPEN RECORDS POLICY FOR THE CITY OF SPRING HILL, TENNESSEE

WHEREAS, pursuant to TCA § 10-7-503(g), the following Public Records Policy for The City of Spring Hill is hereby adopted by the Spring Hill Board of Mayor and Aldermen 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.

WHEREAS 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, TCA § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Spring Hill are presumed to be open for inspection unless otherwise provided by law.

WHEREAS, Personnel of the City of Spring Hill 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 City of Spring Hill, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the City of Spring Hill or to the Tennessee Office of Open Records Counsel (“OORC”).

WHEREAS, the City of Spring Hill implemented an online public records request portal (JustFOIA) to submit, track, and respond to public records requests.

This Policy is available for inspection and duplication in the office of the City Recorder. This Policy is posted online at www.springhilltn.org. This Policy shall be reviewed periodically and amended as recommended by the OORC.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Spring Hill.

I. Definitions

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. (TCA § 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. (TCA § 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. (TCA § 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 [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 shall 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 shall be made through the online portal found at www.springhilltn.org; orally; in writing using the attached, "Public Records Request Form" at 199 Town Center Parkway, Spring Hill, Tennessee 37174; or by email to agoad@springhilltn.org for General Records or policerecords@springhilltn.org for Police Records.
- D. Requests for copies, or requests for inspection and copies, shall be made through the online portal found at www.springhilltn.org; in writing using the attached, "Public Records Request Form" at 199 Town Center Parkway, Spring Hill, Tennessee 37174; or by email to agoad@springhilltn.org for General Records or policerecords@springhilltn.org for Police Records.
- 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.
 - a. Individuals doing business in Spring Hill by requesting information on a particular project may provide proof that they are connected to the project and may have access to the records regardless of residency.
 - b. Individuals involved in automobile accidents on roadways within Spring Hill, or those representing individuals involved in automobile accidents on roadways within Spring Hill may have access to the records regardless of residency.

III. Requestors should note that public notices, public meeting minutes and other legislation of the City of Spring Hill, Tennessee are readily available on the city website: www.springhilltn.org and do not require submission of a request.

IV. 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.
 - 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;
 - iii. An exemption makes the record not subject to disclosure under the TPRA. The PRRC will provide the exemption in written denial;
 - 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 the City of Spring Hill.
 - 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 is:
 - a. Name or title: April Goad, City Recorder
 - b. Contact information: Phone: (931)486-2252; fax number: (931)486-0516

Physical address: 199 Town Center Parkway, Spring Hill, TN 37174

Mailing address: P.O. Box 789, Spring Hill, TN 37174
4. The PRRC shall report to the governing authority on request regarding 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.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with TCA § 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, notify the requestor through the online portal or 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 IV (A) (3) 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 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. Notification may occur through the online portal or with Public Records Request Response Form.
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 or with the Office of Attorney General.
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.

V. **Inspection of Records**

- A. There shall be no charge for inspection of open public records
- B. The location for inspection of records within the offices of the City of Spring Hill shall be determined by either the PRRC or the records custodian.
- C. When a reasonable basis exists, the PRRC or a records custodian may require an appointment during regular business hours for inspection or may require inspection of records at an alternate location.
- D. A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City upon which the records will be downloaded.

VI. **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 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 or service requested and paid for by the Requestor.
- D. A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City upon which the records will be downloaded.

VII. 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 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.
- D. Fees and charges for copies are as follows:

1. Copies – Standard Sizes:

- i. Black & White (legal or letter) documents \$0.15 per page
- ii. Color (legal or letter) documents \$0.50 per page
- iii. Fax Transmissions \$1.00 per page
- iv. Certified Copies \$0.50 per page
- v. Accident Reports \$4.00 per report

- 2. In the event actual costs of the records custodian are higher than those reflected above or if the requested records are being reproduced on a medium other than standard size paper, the records custodian will compute the actual costs of the reproduction and inform the requestor prior to the charges being incurred. All copying of records must be performed by employees of the city or by an outside vendor designated by the records custodian.

3. Large Copies:

- i. The terms and conditions of Tennessee Code Annotated 10-7-506 © are included herein by reference as fully and completely as though copied herein verbatim. The charge shall be \$2.00 per square foot for copies of documents in sizes other than 8 ½ x 11 or 8 ½ x 14 such as maps, plats, or other large format documents. (Paper cost approximately \$0.21/sq. ft.; ink \$0.75 - \$1.00/sq. ft.; Plotter/GIS System \$0.80 - \$1.00/sq. ft.)

4. Flash Drive:

- i. The charge to transfer digital records onto a new flash drive shall be the cost of the flash drive, provided by the City. (This does not include possible labor costs associated with uploading the records)

5. Labor Costs:

- i. After the first hour, the cost of the employee’s salary/wages for time spent producing the records will be charged. If participation by more than one employee is required to produce the requested records, the requestor shall not be invoiced for the first hour of the highest paid employee. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

6. Delivery Costs:

- i. Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor chooses not to return to the custodian’s office to retrieve the copies, the records

custodian may deliver the copies through the United States Postal Service, and the cost incurred in delivering the copies shall be assessed in addition to any other charge. Additionally, the costs of packing materials and necessary media required shall be added to the total charges.

7. Outside Vendor:

- i. If the records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in the office, the costs assessed by the vendor to the City shall be paid by the requestor in addition to any other allowable charges.

8. CD-ROM:

- i. Reproduction of an existing CD-ROM shall be \$1.00. This does not apply to uploading information onto a CD-ROM.

9. DVD:

- i. Reproduction of an existing DVD shall be \$3.00. This does not apply to uploading information onto a DVD.

E. Payment is to be made in cash, credit or debit card (subject to third-party transaction fees), or personal check made payable to the City of Spring Hill presented to the PRRC or the Records Custodian.

F. Payment in advance will be required when costs are estimated to exceed \$10.00.

G. Aggregation of Frequent and Multiple Requests

1. The City of Spring Hill will aggregate records 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. If more than (4) requests are received by the City within a calendar month:
 - i. Records requests will be aggregated at the city level.
 - ii. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will 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.
 - iii. Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not limited to, meeting agendas and approved minutes.
 - iv. When the total number of requests made by the requestor during a calendar month exceeds (4), the requestor shall be charged a fee for all labor that is reasonably necessary to produce copies of the requested records. The requestor shall not be entitled to (1) free hour of labor and the requestor shall be notified accordingly.

H. Police Department Personnel Records:

1. The Police Chief shall maintain in his/her office records of undercover investigations containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian, the Human Resources Department. Requests for personnel records, other than for undercover investigations, shall be made to the records custodian, who shall promptly notify the Police Chief of such request. The Police Chief shall make the final determination as to the release of the information requested. In the event the Police Chief refuses to release the information, he/she shall provide a written explanation of his/her reasons for not releasing the information.

I. Frail Records:

1. If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.

- J. The PRRC may adopt Best Practices Guidelines to assist records custodian(s) with responding to requests for public records.

NOW, THEREFORE BE IT RESOLVED, that the Board of Mayor and Aldermen of the City of Spring Hill hereby approves the Public Records Policy, pursuant to TCA § 10-7-503(g) and in accordance with the Tennessee Public Records Act.

BE IT FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict herewith, be and same hereby, are repealed or modified as the case may be.

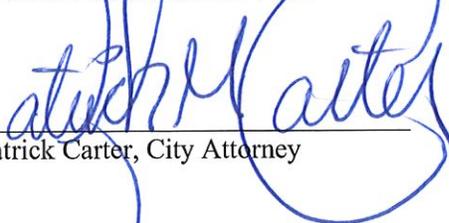
Passed and adopted this 20th day of September, 2021.


James Hagaman, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


Patrick Carter, City Attorney

* denotes a required field



General Public Records Request

Spring Hill City Hall
199 Town Center Parkway
Spring Hill, TN. 37174
Phone: (931) 486-2252

The Tennessee Public Records Act (TRPA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TRPA does not require records custodians to compile information or create or recreate records that do not exist.

Name of Requester*	Phone	Email	
_____	_____	_____	
Address	City*	State*	Zip
_____	_____	_____	_____

Is the requester a Tennessee Citizen? (If yes, please upload a copy of your driver's license at the bottom of the form. We must be able to verify your Tennessee residency in order to proceed with the processing of your request.)

*
 Yes No

I request (select one):

Copy/Duplicate Inspection

Requester is a member of the News Media?*

Yes No

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

Do you wish to waive your rights to an estimate and agree to pay copying and duplication costs? If so, please enter the max amount you are waiving for the estimate and include your initials:

Example: \$5.00 JD

Please choose the method you would like to receive your requested documents:

*
 Electronic Delivery On-Site Pick up USPS Mail

Provide a detailed description of the record(s) requested, including (1) type of record, (2) time frame or dates for the records sought, and (3) subject matter or key words related to the records. Under the TRPA, records requests must be sufficiently detailed to enable a government entity to identify the specific records sought. As such, your records request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

*

* denotes a required field



Police Public Records Request

Spring Hill Police Department Records
199 Town Center Parkway
Spring Hill, TN. 37174
Email: policerecords@springhilltn.org

The Tennessee Public Records Act (TRPA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TRPA does not require records custodians to compile information or create or recreate records that do not exist.

Name of Requester*

John Doe

Phone

###-###-####

Email

johndoe@example.com

Address

123 Example Drive

City*

City

State*

State

Zip

Zip

Is the requester a Tennessee Citizen? (If yes, please upload a copy of your driver's license at the bottom of the form. We must be able to verify your Tennessee residency in order to proceed with the processing of your request.)

*

No

I request (select one):

Copy/Duplicate

Requester is a member of the News Media?*

No

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

Do you wish to waive your rights to an estimate and agree to pay copying and duplication costs? If so, please enter the max amount you are waiving for the estimate and include your initials:

Example: \$5.00 JD

Please choose the method you would like to receive your requested documents:

*

Electronic Delivery

Provide a detailed description of the record(s) requested, including (1) type of record, (2) time frame or dates for the records sought, (3) Case Number, (4) involved party's name and date of birth, and (5) subject matter or key words related to the records. Under the TRPA, records requests must be sufficiently detailed to enable a government entity to identify the specific records sought. As such, your records request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

*



PUBLIC RECORD REQUEST RESPONSE FORM

City of Spring Hill

199 Town Center Parkway

Spring Hill, Tennessee 37174

(931) 486-2252

Date:

[Requestor's Name and Contact Information]

In response to your records request received on [Date Request Received], our office is taking 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: _____

Being delivered via: USPS 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 laws prohibits disclosure of the requested record(s):

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 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 [Records Custodian or PRRC].

Sincerely,

April Goad, City PRRC
(931) 486-2252 ext. 206
agoad@springhilltn.org

Police Records Custodian
(931) 486-2252 ext. 234
policerecords@springhilltn.org