

Policy 31

Public Records Access



West Warren-Viola Utility District

Policy 31 Public Records Access Policy

POLICY STATEMENT

1... Procedures Regarding Access, Inspection, and Copying of Public Records:

(a) Consistent with the Public Records Act of the State of Tennessee, West Warren-Viola Utility (the District) shall provide full access and assistance in a timely and efficient manner to citizens of the State of Tennessee who request access to open public records. Upon request the requestor shall provide picture identification with a current address to verify Tennessee citizenship.

(b) Employees of the District shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied. All requests for the inspection and copying of public records shall be directed to the District Manager or Assistant Manager who is the District's designated records custodian.

(c) To prevent excessive disruptions of the work, essential functions and duties of the employees of the District, persons requesting inspection may, but are not required to, complete the District's records request form. Persons requesting copying of public records shall complete a records request form to be furnished by the District. If a requestor chooses not to complete a records request form, or if a requestor requesting copying of public records refuses to complete a records request form, a District employee shall complete the form with the information provided by the requestor.

(d) The requestor shall describe the records with specificity so that the records may be located and made available for public inspection or duplication.

(e) When records are requested for inspection and/or copying, the District Manager or Assistant Manager shall make the records available as promptly as possible taking into account the number of requests, the amount of records requested, the accessibility and location of the records and the District personnel available to locate, retrieve, compile, review and redact and/or copy the records requested. If the District is not able to make the records available promptly, the District's Manager has seven (7) business days to do any of the following:

- (1) produce the records requested;
- (2) deny the request in writing and give an explanation for the denial;
or,
- (3) furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information or a time when a determination regarding access to the records will be provided.

(f) 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 requestor may be required to make an appointment for inspection.

(g) No charge will be assessed to a requestor for inspecting public records only.



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2... Charges for Copies of Public Records

(a) The District will assess a charge of fifteen (15) cents per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy produced. A duplex copy will be assessed the equivalent of the charge for two (2) separate copies.

(b) If a public record is maintained in color and the District has the capability of making color copies, the requestor shall be advised that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, the District may assess a charge of fifty (50) cents per page for each 8 ½ x11 or 8 ½ x14 color copy produced.

(c) When the District is legitimately unable to produce copies in its office because of the size or shape of the public record, the large volume of copies requested or for any other legitimate reason, the District will use an outside vendor to produce copies of the requested records, and the requestor shall pay the costs of the outside vendor to produce the requested records.

3... Additional Production Charges

(a) The District will use the most cost efficient method of producing the requested records.

(b) Delivery of copies of records to a requestor shall be by hand delivery when the requestor returns to the District's office to retrieve the requested records. If the requestor chooses not to return to the District's office to retrieve the copies, the District may deliver the copies through means of the United States Postal Service, and the cost incurred in delivering the copies will be assessed in addition to any other permitted charge. The District has the discretion to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.

(c) If the District is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the District will assess the requestor the cost assessed to it for retrieval of the records.

4... Labor Charges

(a) "**Labor**" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.

(b) "**Labor threshold**" is defined as the labor of the employee or employees reasonably necessary to produce requested material for the first hour incurred by the District in producing the material.

(c) The District will charge the hourly wage of the employee or employees reasonably necessary to produce the requested records above the "labor threshold." The



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hourly wage is based upon the base salary of the employee or employees and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour work week and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.

(d) In calculating the charge for labor, the District shall determine the number of hours each employee spent producing a request. The District shall then subtract the one (1) hour threshold from the number of hours the highest paid employee spent producing the request. The District will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the District will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

Example:

The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is \$20.00. Employee #1 spends two (2) hours on a request. Employee #2 spends two (2) hours on the same request. Because employee # 2 is the highest paid employee, subtract the one (1) hour threshold from the hours employee #2 spent producing the request. Multiply the number of hours each employee is able to charge for producing the request by that employee's hourly wage and then add the amounts together for the total amount of labor that can be charged (i.e. $(2 \times 15) + (1 \times 20) = \50.00). For this request, \$50.00 could be assessed for labor.

(e) For purposes of this policy, during each calendar month the District will aggregate the number of requests for copies made per requestor. When the total number of requests made by a requestor within a calendar month exceeds four (4), the District will begin to charge the requestor a fee for any and all labor that is reasonably necessary to produce the copies of the requested records after informing the requestor that the aggregation limit has been met. Request for items that are routinely released and readily accessible, such as agendas for current calendar month meetings and approved minutes from meetings held in the previous calendar month are exempt from this policy. Additionally, the District will aggregate the total number of public records requests made by a requestor and by any other individual, if the records custodian reasonably believes the requestor to be acting in concert with or as the agent of another person, entity or organization. When the District chooses to aggregate requests by multiple requestors, the District will inform the requestors of the determination to aggregate and that they have the right to appeal the decision to aggregate to the Office of Open Records Counsel. When aggregating the labor of multiple requestors, the District will file a Notice of Aggregation of Multiple Requestors with the Office of Open Records Counsel.



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5... Estimate of Charges and Waiver of Charges

(a) The District will provide the requestor with an estimate of the copying charges, additional production costs and labor costs of locating, retrieving, reviewing, redacting and reproducing the requested records. When the estimate of the charges exceeds \$5.00, the District will require payment of the estimate before producing the copies.

(b) When the charges for copying charges, additional production costs and labor costs are \$5.00 or less, the records custodian may waive the payment of these charges.

Policy

ADOPTION DATE: August 19, 2014

EFFECTIVE DATE: August 19, 2014





INSPECTION/DUPLICATION OF RECORDS REQUEST

Requestor Instructions: To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received. Requestors who are having the records emailed or mailed to him/her are not required to sign and date section 11 of the form.

Custodian Instructions: For requests to inspect, the **records custodian** is to fill in sections 1-6,8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.

(FRONT)

1. Name of requestor: _____
(Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:
 Photo ID issued by governmental entity including requestor's address
 Other: _____

3. Requestor's address and contact information: _____

4. Request for: inspection/access copy/duplicate [previously inspected on _____ (date) or inspection waived]

5. Record(s) requested:
a. Type of record: Minutes Annual Report Annual Financial Statements
 Budget Employee file Other
b. Detailed Description of the record(s) including relevant date(s) and subject matter:

6. Request submitted to: _____
(Name of Governmental Entity, Office or Agency)

a. Employee receiving request: _____
(Print or Type and Initial)
b. Date and time request received: _____
c. Response: Same day Other _____

7. Costs (if assessed):
a. Number of pages to be copied: _____ Estimated
b. Cost
(1) per page letter or legal sized: \$____ (justification required if more than \$0.15) per black and white \$____ (justification required if more than \$0.50) per color;
(2) per page other sized or other medium _____: \$____ (justification required)

Costs continued:

- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): _____
 Labor at \$ _____ /hour for _____ hour(s).
 Labor at \$ _____ /hour for _____ hour(s).
 Labor at \$ _____ /hour for _____ hour(s).
- d. Programming cost to extract information requested: _____
- e. Method of delivery and cost: _____ Estimated
 On-site pick-up U.S. Postal Service Other: _____
- f. Estimate of total cost to produce request: _____
- g. Estimate provided to requestor: in person by U.S.P.S. by phone Other: _____

8. Payment:

- a. Form of payment: Cash Check Other _____
- b. Amount of payment: _____
- c. Date of payment: _____
- d. Actual cost (and adjustment if prepaid): _____

9. _____
 Signature of Requestor _____
 Date Records Requested

10. _____
 Signature of Records Custodian _____
 Date of Receipt of Request

Delivery/Retrieval of Records

11. _____
 Signature of Requestor _____
 Date Records Retrieved

12. _____
 Signature of Records Custodian _____
 Date Records Retrieved/Delivered
 Or

Date Records Inspected by the Requestor