

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Knoxville-Knox Planning (“Planning”) is hereby adopted by Knoxville-Knox County Planning Commission 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 Planning are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in Planning’s offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902. This Policy is posted online at www.knoxplanning.org. This Policy shall be reviewed every two years.

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

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 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 only cannot be required to 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 may be made orally or in writing using the attached Form A *Public Records Request Form* at Planning’s offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902, by phone at 865-215-2500, by email at contact@knoxplanning.org or online at www.knoxplanning.org.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form A *Public Records Request Form* at Planning’s offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902 or online at www.knoxplanning.org.
- 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.
- F. Whenever practicable, announcements, agendas and minutes of meetings, frequently requested plans, reports and ordinances, and publishable (open) data shall be posted and readily available online at www.knoxplanning.org.

III. Responding to Public Records Requests

- A. Public Records 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); and
 - iv. Aggregation of multiple or frequent requests.
- b. If appropriate, deny the request in writing, providing the appropriate grounds, 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. (Offer to assist in clarification.)
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (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 at Planning.
- 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 the Executive Director of Planning. He/she can be contacted at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902. Telephone 865-215-2500. Email contact@knoxplanning.org.

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 B *Public Records Request Response Form*, 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.
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.
- B. The location for inspection of records within the offices of Planning 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 economic and efficient manner practicable.
- B. Copies will be available for pickup at Planning's offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902.

- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. Additional permitted means of delivery are:
 - 1. Expedited delivery service (e.g., over-night, two-day, and other USPS and commercial courier service), upon pre-payment for such service.
 - 2. Electronic copies delivered via email.
- D. A requestor will be allowed to make copies of records with personal photographic equipment while records are in the possession, custody, and control of the record custodian or PRRC.

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 using Form C *Public Records Request: Estimated Cost for Copies* 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 \$5.00, the fees will be waived. Requests for waivers for fees above \$5.00 must be presented to the PRRC or record custodian, who is authorized to determine if such waiver is in the best interest of Planning and for the public good. Fees associated with aggregated records requests 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. Labor when time exceeds one (1) hour.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
 - 5. Other charges:
 - a. Audio/video tape reproduction: actual cost.
 - b. Map reproduction: costs specified on Form C *Public Records Request: Estimated Cost for Copies*.
 - c. Electronic records: labor (as provided in Section VI.D.3) and storage device (actual cost).
- E. Payment is to be made in cash, by personal check, by credit card, or by debit card payable to Planning presented to the records custodian.

F. Payment in advance will be required when costs are estimated to exceed \$25.00 or when production services are provided by an outside vendor.

G. Aggregation of Frequent and Multiple Requests

1. Planning 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 to be working in concert):
 - a. Records requests will be aggregated across Planning.
 - b. 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.
 - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: public meeting announcements, agendas and minutes, frequently requested plans, reports and ordinances, and publishable (open) data.

Form A. Public Records Request Form (p. 1)

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. Note: If this request is for inspection of records only, the TPRA does not permit fees or require a written request.

To: Knoxville-Knox County Planning
Executive Director (Public Records Request Coordinator)
400 Main Street, Suite 403, Knoxville, Tennessee 37902
contact@knoxplanning.org / 865-215-2500

Requestor: Name: _____
Address: _____
Email Address/Telephone Number: _____

Is the requestor a Tennessee citizen? Yes No
(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.)

Request: **Inspection** (The TPRA does not permit fees or require a written request for inspection only.)
 Copy/Duplicate (Charges may apply. See "Fees/Charges and Procedures for Billing and Payment" below.) 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 (specify): _____

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
(By signing, I hereby certify that I am a citizen of the State of Tennessee)

Signature of Public Records Request Coordinator
(or Designee) and Date Received

Form A. Public Records Request Form (p. 2)

Fees/Charges and Procedures for Billing and Payment

(For copies of records only. Fees and charges do not apply to inspection requests.)

1. \$0.15 per page for letter-size and legal-size black and white paper copies.
2. \$0.50 per page for letter-size and legal-size color paper copies.
3. Labor when time exceeds one (1) hour (no charge for first hour).
4. If an outside vendor is used, the actual costs assessed by the vendor.
5. Other charges:
 - a. Map copies:

Addressing/subdivision	GIS
• 18"X24": \$2.00	• 36"X48": \$30.00
• 18"X36": \$5.00	
• 24"X36": \$8.00	
• 36"X36": \$10.00	
 - b. Audio/video tape reproduction: actual cost.
 - c. Electronic copies: labor and storage device.
6. Delivery: No charge for on-site pick-up or electronic delivery. Actual cost for other methods (USPS First-Class Mail, expedited delivery service).
7. Payment is to be made in cash, by personal check, or by credit/debit card, payable to Knoxville-Knox County Planning.
8. Payment in advance is required when costs are estimated to exceed \$25.00 or when production services are provided by an outside vendor.

Form B. Public Records Request Response Form

**PUBLIC RECORDS REQUEST
RESPONSE FORM**



Date: _____

Requestor: Name: _____

Address: _____

Email Address/Telephone Number: _____

In response to your records request received on _____ our office is taking the action(s) indicated below:

The public record(s) responsive to your request will be made available for inspection:

Location, Date and Time: _____

Copies of public record(s) responsive to your request are:

Attached

Available for pickup at the following location: _____

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 records(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 questions regarding your record request, please contact:

Knoxville-Knox County Planning
Executive Director (Public Records Request Coordinator)
400 Main Street, Suite 403, Knoxville, Tennessee 37902
contact@knoxplanning.org / 865-215-2500

Response prepared by (PRRC/Records Custodian): _____

Form C. Public Records Request: Estimated Cost for Copies

**PUBLIC RECORDS REQUEST:
ESTIMATED COST FOR COPIES**



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. Note: If this request is for inspection of records only, the TPRA does not permit fees or require a written request.

Date: _____

Requestor: Name: _____

Address: _____

Email Address/Telephone Number: _____

Fees/Charges and Procedures for Billing and Payment:

1. \$0.15 per page for letter-size and legal-size black and white paper copies.
2. \$0.50 per page for letter-size and legal-size color paper copies.
3. Labor when time exceeds one (1) hour (no charge for first hour).
4. If an outside vendor is used, the actual costs assessed by the vendor.
5. Other charges:
 - a. Map copies:

Addressing/subdivision	GIS
• 18"X24": \$2.00	• 36"X48": \$30.00
• 18"X36": \$5.00	
• 24"X36": \$8.00	
• 36"X36": \$10.00	
 - b. Audio/video tape reproduction: actual cost.
 - c. Electronic copies: labor and storage device.
6. Delivery: No charge for on-site pick-up or electronic delivery. Actual cost for other methods (USPS First-Class Mail, expedited delivery service).
7. Payment is to be made in cash, by personal check, or by credit/debit card, payable to Knoxville-Knox County Planning.
8. Payment in advance is required when costs are estimated to exceed \$25.00 or when production services are provided by an outside vendor.

Estimated Cost for Copies:

- Letter/legal-size pages (number of pages and cost per page): _____
- Maps: _____
- Audio/video tapes: _____
- Electronic storage devices: _____
- Labor (time and rate): _____
- Method of delivery and cost:
 - On-site Pick-up: No delivery cost
 - Electronic: No delivery cost
 - USPS First-Class Mail: _____
 - Other: _____
- Estimated total cost to produce request: _____

Estimate prepared by (PRRC/Records Custodian): _____