

**Austin Peay State
University**

**Inspecting and Copying Public Records and Related
Charges for Producing Copies of Public Records**

POLICIES

Issued: March 30, 2017

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to permit the inspection of public records and to implement reasonable charges for making copies of public records by photographic or other means of duplication pursuant to state law.

Purpose

The Tennessee Public Records Act (T.C.A. § 10-7-503 et seq.) (TPRA) grants Tennessee citizens the right to inspect public records.

The law allows records custodians to charge a fee to supply copies of public records pursuant to properly adopted policies. Under T.C.A. § 8-4-601 et seq., the Office of Open Records Counsel (OORC) develop a schedule of reasonable charges which may be used by a records custodian as a guideline to charge a citizen requesting copies of public records.

While these guidelines are not mandatory, they do create a safe harbor for a records custodian who adheres to the policies and guidelines established by the OORC. APSU adopts this policy with the intent of incorporating the OORC guidelines as they may be from time to time amended.

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Definitions

Labor	The time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
Labor threshold	The labor of the employee(s) reasonably necessary to produce requested records for the first hour incurred by the institution in producing the records.
Production costs	All reasonable costs the institution incurred to produce the public records requested by the requesting party. Production costs include copying costs, labor costs, and delivery costs, as described in this policy.
Public record	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).
Public Records Request Coordinator (PRRC)	The individual, or individuals, designated 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.
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.

Requesting party

A person or persons seeking access to a public record, whether it is for inspection or duplication.

Procedures

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 (if required);
 - 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 (if proof of citizenship is required).
 - 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. Austin Peay State University 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 within Austin Peay State University.
 - 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(s) is:
 - a. Name or title: The Office of Legal Affairs
 - b. Contact information:
Austin Peay State University
Physical Address: Browning, Rm. 151
Mailing Address: P.O. Box 4628
Clarksville, TN 37044
931.221.7572 (o)
931.221.7569 (f)

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 referenced in the "Related Forms" section below, 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 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 or with the Office of Attorney General and Reporter.
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.

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 Austin Peay State University 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 may be inspected during business hours (8:00 a.m.-4:30 p.m., Monday-Friday, except for official holidays).

Copying of Public 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. Copies will be delivered via email, unless size limitations prevent delivery or if requested that they be sent via US Mail.

Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

- D. A requestor will not be allowed to make copies of records with personal equipment or provide their own storage devices.

Copying Costs

- A. The University will establish the charge for making copies of public records by photographic or other means of duplication at the rate established by the OOCR as they may be from time to time amended. (See <https://www.comptroller.tn.gov/office-functions/open-records-counsel/office-of-open-records-counsel/policies---guidelines.html>) The schedule sets a per page fee for copying that does not include labor charges as described below.
- B. If the requested records exist electronically, but not in the format requested or a new or modified computer program or application is necessary to put the records in a readable and reproducible format or it is necessary to access backup files, the PRD shall charge the requesting party the actual costs incurred in producing the records in the format requested or 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.
- C. Electronic records will be produced only in a read-only format.

Labor Costs

- A. The PRRC shall utilize the most cost efficient method of producing requested records and strive to utilize current employees at the lowest practicable hourly wage to fulfill public records requests for copies.
- B. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
- C. "Labor threshold" is the first (1st) hour of labor reasonably necessary to produce requested material(s). The PRRC is only permitted to charge for labor exceeding the labor threshold established by the governmental entity.
- D. "Hourly wage of an employee" is based upon the base salary of the employee 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 workweek and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.

- E. In calculating labor charges, the PRRC should determine the total amount of labor for each employee and subtract the labor threshold from the labor of the highest paid employee(s). The PRRC should then multiply the amount of labor for each employee by each employee's hourly wage to calculate the total amount of labor charges associated with the request.

Delivery Costs

The PRRC shall charge the requesting party for the costs incurred by the PRRC in delivering the records to the requesting party, in addition to any other charge permitted by these rules.

1. Delivery of copies of records to a requestor is anticipated to be by hand delivery.
2. In the discretion of the PRRC, copies of public records may be delivered through other means, including electronically or by U.S. Postal Service.

Payment

If the requesting party requests copies of public records, the following provisions concerning payment of production costs shall apply:

1. The PRRC shall provide the requesting party an estimate of the production costs before initiating the production of copies of the requested public records.
2. The PRRC may require payment in full of all production costs before copies of public records are delivered or otherwise made available to the requesting party.
3. Production costs must be paid by cash or check. Cash payments must be for the exact amount of the publication costs.
4. The PRRC will provide a receipt to the requesting party upon receipt of payment of the productions costs.

- Waiver of Production Costs** A. The PRRC is authorized in its discretion to waive payment for providing copies of public records on a case by case basis.

Related Forms

Request Form to <https://www.comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/RecordsRequestForm.pdf>
Inspect/Copy
Public Records

Revision Dates

APSU Policy 1:012 – Issued: March 30, 2017

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Approved

President: signature on file
