



MCMINN COUNTY SHERIFF'S OFFICE CORRECTIONS DIVISION
POLICIES AND PROCEDURES MANUAL

Chapter 11: Admissions, Records, and Release

Section 11.05: Public Records Request

Related Standards: T.C.A. § 10-7-503(g), 10-7-504

Effective Date: 12/07/2017

Review Date: 9/22/2022

I. POLICY:

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the McMinn County Sheriff's Office is hereby adopted 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 the McMinn County Sheriff's Office are presumed to be open for inspection unless otherwise provided by law.

Personnel of the McMinn County Sheriff's Office 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 McMinn County Sheriff's Office, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the McMinn County Sheriff's Office or to the Tennessee Office of Open Records Counsel ("OORC").



This Policy is available for inspection and duplication at the McMinn County Sheriff's Office. This Policy is posted online at www.mcminncountysheriff.org. This Policy shall be reviewed annually.

II. DEFINITIONS:

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.

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).

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.

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

Governmental Entity: Means the state of Tennessee and any county, municipality, city or other political subdivision of the state of Tennessee.

Personal Information: Includes the officer's residential address, home and personal cellular telephone number; place of employment; name, work address and telephone numbers of the officer's immediate family; name, location, and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled.



Government Building: Means any building that is owned, leased, or controlled, in whole or part, by the state of Tennessee or any county, municipality, city or other political subdivision of the state of Tennessee.

III. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee 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 (2017)3-5 Public Records Request at 1319 South White Street Athens, TN. 37303 and/or P.O. Box 649 Athens, TN. 37371-0649 or by phone at (423) 745-5620.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form (2017)3-5 Public Records Request at 1319 South White Street Athens, TN. 37303 and/or P.O. Box 649 Athens, TN. 37371-0649.
- 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.

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 (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.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA.
 - 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.



- 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. Sheriff Joe D. Guy
 - b. Physical Address-1319 South White Street Athens, TN. 37303
Mailing Address-P.O. Box 649 Athens, TN. 37371-0649
Phone (423) 745-5620
Fax (423) 744-3037
Email lrhea@mcminncountyttn.gov
 4. The PRRC(s) shall report to the governing authority on an annual basis about the McMinn County Sheriff's Office 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, the 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, he/she may consult with the PRRC, counsel or 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 the 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 (2017)3-6, based on the form developed by the OORC.
3. If the records custodian denies a public record request, he/she shall deny the request in writing as provided in Section (B)(1)(b)(ii) using Form (2017)3-6 Public Records Request Response.



4. If the 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 Form (2017)3-6 Public Records Request Response 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 the 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, the 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 McMinn County Sheriff's Office should be determined by either the PRRC or records custodian.



- C. Under reasonable circumstances, the PRRC or records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

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 specified address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

VII. Fees, 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. No charges will be assessed to any person(s) for copies and duplicates of any "Incident Reports" in which they are listed as the victim. No charges will be assessed to any person(s) for copies and duplicates of any "Crash Reports" in which they were listed as involved.
- B. Upon request, Records custodians shall provide requestors with an itemized estimate of the charges using Form (2017)3-7 prior to producing copies of records.
- C. When fees for copies and labor do not exceed \$1.00, the fees may be waived. Requests for waivers for fees above \$1.00 must be presented to Lisa Rhea, who is authorized to determine if such waiver is in the best interest of the McMinn County Sheriff's Office 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 each standard 8 ½ x 11 or 8 ½ x 14 black and white copies produced.
 2. \$0.50 per page for each standard 8 ½ x 11 or 8 ½ x 14 color copies produced. (Color copies will only be made upon request and the availability of resources)
 3. Labor when time exceeds one (1) hour for one (1) employee to prepare the records.
 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash or by check payable to McMINN COUNTY TRUSTEE, presented to the Public Records Request Coordinator.
- F. Payment in advance will be required prior to the production of the copies or duplication.

VIII. Aggregation of Frequent and Multiple Requests

- A. The McMinn County Sheriff's Office 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 working in concert).
1. The level at which at which records requests will be aggregated is four (4) (whether by agency, entity, department, office or otherwise).
 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 individual(s) that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
 3. Routinely released and readily accessible records are excluded from aggregation.



IX. Confidential Records

- A. According to Tennessee Code Annotated 10-7-504 certain records shall be treated as confidential and shall not be open for inspection by members of the public. The following records of the McMinn County Sheriff's office will be treated as confidential:
1. Inmate medical records
 2. All riot, escape and emergency transport plans which are incorporated in the McMinn County Sheriff's Office Policies and Procedures Manual.
 3. All contingency plans prepared to respond to or prevent any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat of involving a weapon of mass destruction, or terrorist incident.
 4. The following records or information of any law enforcement officer, currently or formerly employed, commissioned pursuant to § 49-7-118, in the possession of a governmental entity or any person in its capacity as an employer shall be treated as confidential and shall not be open for inspection by members of the public:
 - a. Home telephone and personal cell phone numbers;
 - b. Bank account and individual health savings account, retirement account, and pension account information, provided that nothing shall limit access to financial records of a governmental employer that show the amounts and sources of contributions to such accounts or the amount of pension or retirement benefits provided to the employee or former employee by the governmental employer;
 - c. Social security number;
 - d. Residential information, including the street address, city, state and zip code;
 - e. Driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of the employee's job; and



- f. The information listed in subdivisions (A)(4)(a)- (e) of immediate family members or household members.
5. Information that would allow a person to obtain unauthorized access to confidential information or to government property. Such information and records shall include:
 - a. Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;
 - b. Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interfere with, the services provided by a government entity; and
 - c. Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.
 6. Information and records that are directly related to the security of any government building. Such information and records shall include:
 - a. Information and records about alarm and security systems used at the government building including codes, passwords, wiring diagrams, plans and security procedures and protocols related to security systems;
 - b. Security plans, including security-related contingency planning and emergency response plans;
 - c. Assessments of security vulnerability;
 - d. Information and records that would identify those areas of structural or proportional vulnerability that would permit unlawful disruption to, or interference with, the services provided by a government entity;



- e. Surveillance recordings, whether recorded to audio or visual format, or both, except segments of such recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity. In addition, if such recordings are relevant to a civil action or criminal prosecution, then the recordings may be released in compliance with a subpoena or an order of court record in accordance with the Tennessee Rules of Civil or Criminal Procedure.
7. Any and all other confidential records related to the McMinn County Sheriff's Office not listed in this policy that are contained in Tennessee Code Annotated 10-7-504.