

**THE HEALTH AND EDUCATIONAL FACILITIES BOARD OF THE METROPOLITAN
GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE**

PUBLIC RECORDS POLICY

Adopted: June 15, 2017
Effective date: July 1, 2017

PUBLIC RECORDS POLICY
FOR
THE HEALTH AND EDUCATIONAL FACILITIES BOARD OF THE METROPOLITAN
GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee (the “Corporation”) is hereby adopted by the Board of Directors 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 Corporation are presumed to be open for inspection unless otherwise provided by law.

The Corporation acknowledges and confirms that it has no staff or offices, or administrative or monetary resources, and the Corporation designates its legal counsel, Adams and Reese LLP, as its outside vendor to implement this policy on behalf of the Corporation, and directs its legal counsel to timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records of the Corporation. 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 Corporation, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Corporation or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication at the law offices of Adams and Reese LLP, legal counsel to the Corporation. This Policy is posted online on the Corporation’s page on www.nashville.gov. This Policy shall be reviewed periodically as needed.

This Policy shall be applied consistently by and on behalf of the Corporation:

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 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 at Adams and Reese LLP, 1600 West End Avenue, Suite 1400, Nashville, Tennessee 37203, Attention: Cynthia M. Barnett, Esq., or by phone at 615-259-1454, or by email addressed to cindy.barnett@arlaw.com.

D. Requests for copies, or requests for inspection and copies, may be made in writing to Adams and Reese LLP, 1600 West End Avenue, Suite 1400, Nashville, Tennessee 37203, Attention: Cynthia M. Barnett, Esq., or by email addressed to cindy.barnett@arlaw.com.

E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is not required as a condition to inspect or receive copies of public records.

III. 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 records requested are described with sufficient specificity to identify them; and
 - b. If legal counsel to the Corporation 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. Form(s) required for copies;
 - ii. Fees (and labor threshold and waivers, if applicable); and
 - iii. 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 request lacks specificity.

- ii. An exemption makes the record not subject to disclosure under the TPRA.
 - iii. Legal counsel to the Corporation is not the custodian of the requested records.
 - iv. 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 records custodian of the Corporation.
 - 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:

Adams and Reese LLP, legal counsel to the Corporation
1600 West End Avenue, Suite 1400
Nashville, Tennessee 37203
Attention: Cynthia M. Barnett
Phone (615) 259-1454
Fax (615) 687-1499
Email address: cindy.barnett@arlaw.com.
4. The PRRC shall report to the Board of Directors periodically about the Corporation's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvements 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 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 response and may use the public records response 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, and may use the public records response form developed by the OORC.
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, and may use the public records response form developed by the OORC, 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.
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 Corporation's records custodian's offices shall 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. If an appointment is needed, it must be during normal business hours.

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 the offices of the records custodian.
- C. 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.

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 prior to producing copies of records and may require pre-payment of such charges before producing requested records.

C. When fees for copies are less than \$25.00 and labor does not exceed one hour, the records custodian's fees and charges may be waived by the records custodian. Fees and charges associated with aggregated records requests will not be waived.

D. Fees and charges for copies will be the actual costs incurred and assessed by the PRRC and records custodian as the outside vendor to the Corporation.

E. Payment is to be made in cash or by personal check payable to Adams and Reese LLP presented to the records custodian.

F. Payment in advance will be required.

G. Aggregation of Frequent and Multiple Requests

1. The PRRC 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).

2. If more than four (4) requests are received within a calendar month:

a. Records requests will be aggregated.

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. Requests for items that are routinely released and readily accessible are exempt from this Policy. These items include records posted online on the Corporation's page on www.nashville.gov.