

PUBLIC RECORDS POLICY  
FOR  
OFFICE OF THE DISTRICT ATTORNEY GENERAL  
20<sup>th</sup> JUDICIAL DISTRICT

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy is hereby adopted by the Office of the District Attorney for the 20<sup>th</sup> Judicial District 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 Office of the District Attorney are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Office of the District Attorney shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of the 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 Office of the District Attorney, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Office of the District Attorney or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the office of Office of the District Attorney and is posted online at [da.nashville.gov](http://da.nashville.gov). This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the Office of the District Attorney for the 20<sup>th</sup> Judicial District.

**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)(B).

- 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. Proof of Tennessee citizenship is required as a condition to inspect or receive copies of public records.
- B. 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.
- C. Requests for visual inspection may be made orally or in writing (using attached form) at 222 2<sup>nd</sup> Ave North, Suite 500, Nashville, TN 37201 or by phone at 615-862-5500 ext. 70010.
- D. Requests for copies, or requests for visual inspection and copies, shall be made in writing (using attached form) at 222 2<sup>nd</sup> Ave. North, Suite 500, Nashville, TN 37201.

## **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.
  - c. If the Office of the District Attorney is the custodian of the records.
1. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
  - a. Advise the requestor of the Policy and the decision made about the following;

- i. Proof of Tennessee citizenship;
    - ii. Form(s) required for copies; and
    - iii. Fees.
  - 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 Office of the District Attorney is nor 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 in the Office of the District Attorney.
  - 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.
2. The designated PRRC is:
  - a. Ashley Mondelli
  - b. Contact information: 222 2<sup>nd</sup> Ave. North, Suite 500, Nashville, TN 37201. 615-862-5500 ext. 70010. Fax number is 615-862-5599.
3. The PRRC shall report to the governing authority on an annual basis about the Governmental Entity's 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, a custodian shall promptly make a 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, 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.

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 the redaction shall be general in nature and not disclose confidential information.

#### **IV. Inspection of Records**

- A. There shall be no charge for visual inspection of open public records.
- B. The location for inspection of records within the Office of the District Attorney 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 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: 222 2<sup>nd</sup> Ave. North, Suite 500, Nashville, TN 37201.
- 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 will 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 and labor do not exceed \$ 10.00, the fees may be waived.
- D. Fees and charges for copies are as follows:
  1. \$0.15 per page for letter and legal-sized black and white copies.

2. \$0.50 per page for letter and legal-sized color copies.
  3. Other: Cost of duplicating CDs, DVDs and other such records may vary depending on type of medium involved.
  4. Labor when time exceeds 2 hours.
  5. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash (exact amount only), money order, or cashier's check payable to The Office of the District Attorney presented to the records custodian.
- F. Payment in advance will be required when costs exceed \$10.00.

**Adopted July 1, 2017**