

## PUBLIC RECORDS POLICY FOR THE HAMILTON COUNTY CLERK'S OFFICE

Pursuant to Tennessee Code Annotated (TCA) §10-7-503(g), the following Public Records Policy for the Hamilton County Clerk's Office is hereby adopted by Hamilton County Clerk William F. (Bill) Knowles to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (TPRA) in TCA §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 TCA §10-7-503(a)(2)(A). Accordingly, the public records of the Hamilton County Clerk's office are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the office of the Hamilton County Clerk. This Policy is posted online at [www.countyclerkanytime.com](http://www.countyclerkanytime.com). This Policy shall be reviewed every two years.

### I. Definitions

- A. Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a public record. See TCA § 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 TCA § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator (PRRC): 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 TCA § 10-7-503(a)(1)(B). The PRRC may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

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### II. Requesting Access to Public Records

- A. Public record requests shall be made to the 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 e-mail] address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing by contacting the respective PRRC list on page 3.
- D. Requests for copies, or requests for inspection and copies, may be made in writing per instructions on page 3.
- 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 the Public Records Requests

- A. Public Record Request Coordinator (PRRC)
  - 1. The PRRC shall review public record requests and make an initial determination of the following:
    - a. If the records requested are described in sufficient detail to identify them; and
    - b. If the Hamilton County Clerk 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 (not required);
      - ii. Form(s) required for copies;
      - iii. Fees (and labor threshold and waivers, if applicable); and
      - iv. Aggregation of multiple or frequent requests.

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- 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 no presented evidence of being, a Tennessee citizen (if proof of citizenship is required).
  - ii. The request lacks specific detail.
  - iii. An exemption make the record not subject to disclosure under the TPRA.
  - iv. The Hamilton County Clerk 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 in the Hamilton County Clerk's office.
- 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.

### 3. The designated PRRC(s) are:

#### **Business License Records**

Cindy Brown  
625 Georgia Avenue, Rm. 201  
Chattanooga, TN 37402  
Office: (423) 209-6500 Fax: (423) 209-6501  
Email: BusinessRecords@hamiltontn.gov

#### **Hamilton County Commission Records**

Jennifer Smith  
625 Georgia Avenue, Rm. 201  
Chattanooga, TN 37402  
Office: (423) 209-6595 Fax: (423) 209-6501  
Email: CountyCommissionRecords@hamiltontn.gov

#### **Marriage License Records**

Cindy Brown  
625 Georgia Avenue, Rm. 201  
Chattanooga, TN 37402  
Office: (423) 209-6500 Fax: (423) 209-6501  
Email: MarriageRecords@hamiltontn.gov

#### **Motor Vehicle Records**

Monica Brown  
625 Georgia Avenue, Rm. 111  
Chattanooga, TN 37402  
Office: (423) 209-6552 Fax: (423) 209-6596  
Email: MotorVehicleRecords@hamiltontn.gov

#### **Notaries Public Records**

Delpha Bradley  
625 Georgia Avenue, Rm. 201  
Chattanooga, TN 37402  
Office: (423) 209-6500 Fax: (423) 209-6501  
Email: NotaryRecords@hamiltontn.gov

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4. The PRRC(s) shall report to the governing authority on an annual basis about the Hamilton County Clerk'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 request, a records custodian shall promptly make requested public records available in accordance with TCA § 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*.
3. If the 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 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.

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2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis of 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 the Hamilton County Clerk 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 a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's 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. No charges will be assessed for electronic transmission, unless the time to compile the record exceeds one hour.
- 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 \$4.99, the fees may be waived. Requests for waivers for fees above \$4.99 must be presented to the Hamilton County Clerk who is authorized to determine if such waiver is in the best interest of the Hamilton County Clerk's Office and for the public good. Fees associated with the aggregated records requests will not be waived.

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### D. Fees and charges for paper copies are as follows:

Motor Vehicle Records (as governed by the Federal Drivers Protection Act) (DPPA) (18 U.S.C. § 2721):

1. Computer printout of a vehicle record: \$1.00 per record. (TCA § 55-2-106)
2. Public request for certified copy of record: \$5.00 per record. (TCA § 8-21-701 (11 & 12))
3. Labor when time exceeds one hour.
4. If an outside vendor is used, the actual costs assessed by the vendor.

All other records:

1. \$0.50 per page with a cap of \$5.00 per document. (TCA § 8-21-701 (11 & 12))
2. Public request for certified copy of record: \$5.00 per record. (TCA § 8-21-701 (11 & 12))
3. Labor when time exceeds one hour.
4. If an outside vendor is used, the actual costs assessed by the vendor.

Payment for Record(s):

1. Payment is to be made in cash, or by credit card, business check, or personal check drawn on a local bank, made payable to the Hamilton County Clerk and presented to the custodian PRRC.
2. Payment in advance will be required when costs are estimated to exceed \$20.00.

### E. Aggregation of Frequent and Multiple Requests

1. The Hamilton County Clerk's office will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert). The level at which records requests will be aggregated is by commercial agency and/or individual. 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.
  - a. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: electronic records that are readily available to transmit without providing paper copies.