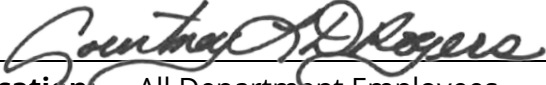


Approver: Courtney Rogers, Commissioner	Policy Number: VS603
Signature: 	Policy Title: Public Records Policy
	Effective Date: August 1, 2020
Application: All Department Employees	
Supersedes: All other department policy on this issue	
Authority: TCA § 10-7-503 (g); § 10-7-501	

Department Policy: Public Records Policy

Preface: The following policy has been adopted by Tennessee Department of Veterans Services Commissioner Courtney Rogers in consultation with department legal counsel and in accordance with TCA § 10-7-503 (g) and TCA § 10-7-501 to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (TPRA).

I. Purpose

The TPRA provides that all state, county and municipal records shall, at all times during business hours, be open for personal inspection by any citizens of this state and those in charge of the records shall not refuse such right of inspection to any citizens, unless otherwise provided by state law. See in Tenn. Code Ann. §10-7-503(a) (2) (A). Accordingly, the public records of the Tennessee Department of Veterans Services are presumed to be open for inspection unless otherwise provided by law.

II. Process

Personnel of the Tennessee Department of Veterans Services shall timely and efficiently provide access and assistance to persons requesting to inspect 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 Tennessee Department of Veterans Services, shall be protected as provided by current law. Concerns about this Policy should be addressed to the department legal counsel for the Tennessee Department of Veterans Services or to the Tennessee Office of Open Records Counsel ("OORC").

- A. This Policy is available for inspection and duplication in the office of the Tennessee Department of Veterans Services. This Policy is posted online at <https://www.tn.gov/veteran>. This policy shall be reviewed annually.
- B. This Policy shall be applied consistently throughout the various offices, departments and divisions of the Tennessee Department of Veteran Services.

III. 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 5(A)(3) of this Policy who have the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPR. 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.

IV. Requesting Access to Public Records

- A. Public Record request shall be made to the Public Records Request Coordinator ("PRRC") or designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. The Tennessee Department of Veterans Services is prohibited from requiring requests for inspection only to be in writing. The PRRC shall request a U.S. Mail address or email address from the requestor for providing any written communication required under TPR. Requests for inspection only may be made
 1. In person at the Tennessee Department of Veterans Services, 312 Rosa L. Parks Avenue, 13th Floor, Nashville, TN 37243;
 2. By U.S. Mail to the Tennessee Department of Veterans Services, using the attached Public Records Request Form;
 3. By email at TDVS.PublicRecords@tn.gov, using the attached Public Records Request Form; or
 4. By telephone at (615) 741-2345.

- C. Request for copies, or requests for inspection and copies, shall be made in writing, using the attached Public Records Request Form and may be submitted:
 - 1. In person or by U.S. Mail to the Tennessee Department of Veterans Services, 312 Rosa L. Parks Avenue 13th Floor, Nashville, TN 37243; or
 - 2. By email at TDVS.PublicRecords@tn.gov.
- D. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of identification) is required to inspect or receive copies of public records. If the requestor is seeking military service records for the purpose of establishing eligibility for interment at a Tennessee State Veterans Cemetery, the requestor is only required to present proof of being next of kin to the deceased veteran.

V. 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:
 - i. If the requestor provided evidence of Tennessee citizenship;
 - ii. If the records requested are described with sufficient specificity to identify them; and
 - iii. 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 actions, if appropriate:
 - i. Advise the requestor of this Policy and the elections made regarding:
 - a. Proof of Tennessee citizenship;
 - b. Form(s) required for copies;
 - c. Fees (and labor threshold and waivers, if applicable); and
 - d. Aggregation of multiple or frequent requests.
 - ii. Deny the request in writing, providing the appropriate ground such as one of the following:
 - a. The requestor is not, or has not presented evidence of being, a Tennessee citizen or the next of kin to deceased Tennessee Veteran interred into a Tennessee Veterans Cemetery.
 - b. The request lacks certain specificity, such that the document(s) requested cannot be determined.
 - c. An exemption makes the record not subject to disclosure under the TPRA. A written detail of the exemption and an explanation of the denial shall be provided to the requestor.

- d. The Governmental Entity is not the custodian of the requested records.
 - e. The records do not exist.
- iii. Contact the requestor to see if the request can be narrowed.
 - vi. 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:
TDVS Department Counsel
312 Rosa L. Parks Ave. 13th Floor
Nashville, TN 37243
TDVS.PublicRecords@tn.gov
 4. 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 records custodian shall promptly make the 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 designated PRRC, TDVS Department Counsel, or the OORC.
2. If not practicable to promptly provide requested records and the records custodian needs additional time, to search for, retrieve, or otherwise gain access to the records; to determine whether the records are open; to redact records; or for other similar reasons to comply with the records request, then a records custodian shall, within 7 business days from the records custodian's receipt of the request, sent the requestor a completed Public Records Request Response Form which is attached, 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 IV(A)(3) 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.
2. 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.
3. 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.

VI. 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 Tennessee Department of Veterans Services 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.

VII. 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 312 Rosa L. Parks Ave. 13th Floor, Nashville, TN, 37243, unless otherwise informed by the records custodian or PRRC.
- C. Upon payment for postage, copies will be delivered to the requestor by the United States Postal Service.

- D. A requestor will not be allowed to make copies of records with personal equipment. Personal equipment includes but is not limited to a personal scanner, copy machine, camera, cellular telephone camera, or any other device to which images of the records may be transmitted.

VIII. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records shall not be used to hinder access to public records.
- B. Prior to producing copies of records, the Record Custodian shall provide requestors with an itemized estimate of the fees, to the extent possible.
- C. The Tennessee Department of Veterans Services shall assess fees for the copying and labor based on the most current version of the "Schedule of Reasonable Charges" issued by the Office of Open Records Counsel, available at www.comptroller.tn.gov/openrecords/.
- D. When fees for copies and labor do not exceed \$10.00, the fees may be waived. Requests for waivers for fees above \$10.00 must be presented to the PRRC, who is authorized to determine if such waiver is in the best interest of Tennessee Department of Veterans Services and for the public good.
- E. No fees will be charged for responses to requests that do not exceed 10 pages.
- E. Payment shall be made by cashier's check, money order, or personal check payable to the Tennessee Department of Veterans Services.
- F. Payment in advance will be required for all requests for copies of records.
- G. Tennessee Department of Veterans Services will not 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).

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Tennessee Department of Veterans Services

From: _____

Is the requestor a Tennessee citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only¹)
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$_____? If so, initial here:_____.

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 Electronic Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

¹ Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility

PUBLIC RECORD REQUEST RESPONSE FORM
Tennessee Department of Veterans Services
312 Rosa L. Parks Ave.
13th Floor Nashville, TN 37243

Date: _____

Requestor's Name

Requestor's Contact Information

In response to your records request received on _____, our office is taking the action indicated below:

- The public record(s) responsive to your request will be made available for inspection: Location: _____
Date & Time: _____
- Copies of public record(s) responsive to your request are:
 - Attached;
 - Available for pickup at the following location: _____; or
 - Being delivered via: USPS First-Class Mail Electronically Other: _____
- Your request is denied on the following grounds:
 - Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
 - No such record(s) exists or this office does not maintain record(s) responsive to your request.
 - No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
 - You are not a Tennessee citizen.
 - You have not paid the estimated copying/production fees.
 - The following state, federal, or other applicable law prohibits disclosure of the requested records:

- It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:
 - It has not yet been determined that records responsive to your request exist; or
 - The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please email TDVS.PublicRecords@tn.gov.

Sincerely,