



Johnson City Public Library Public Records Policy

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Johnson City Public Library is hereby adopted by Johnson City Public Library board 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, which for public libraries shall be during the business hours of their administrative offices, 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 Johnson City Public Library are presumed to be open for inspection unless otherwise provided by law.

Personnel of Johnson City Public Library 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 Johnson City Public Library, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Director of the Johnson City Public Library or to the Tennessee Office of Open Records Counsel (“OORC”).

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. **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 Director or his/her designee [or via online submission].
- B. Requests for inspection may be made orally or in writing [using the attached Public Records Request Form]. Requests for inspection may be made in person or by mail. Requests for inspection may be made by phone.
- C. Requests for copies, or requests for inspection and copies, shall be made in writing [using the attached Public Records Request Form]. Requests for copies may be made in person or by mail.
- D. 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.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

- 1. The Director or designee 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; and
 - c. If the Governmental Entity is the custodian of the records.
- 2. The Director or designee 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. (Offer to assist in clarification)
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - 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.

3. Director shall report to the JCPL Board of Directors 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, the Director or designee shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503.
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 director or designee shall, within seven (7) business days from the receipt of the request, send the requestor a completed Public Records Request Response Form which is attached.
3. If the Director or designee 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 the Director or designee 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 Director or designee 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.
5. If the Director or designee 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 Director or designee 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 offices of Johnson City Public Library should be determined by the Director or designee.
- C. Under reasonable circumstances, the Director may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. The Director or designee 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 library.
- 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. The Library may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$2.00 the fees may be waived. 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 letter- and legal-size black and white copies.
 - 2. \$0.50 per page for letter- and legal-size color copies.
 - 3. Labor when time exceeds 1 hours.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash or by credit card payable to Johnson City Public Library.
- F. Payment in advance will be required.

VI. Aggregation of Frequent and Multiple Requests

- A. Johnson City Public Library will aggregate record requests in accordance with the Frequent and Multiple Request Policy 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).
- B. If 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 records requests will be aggregated at the appropriate department level.
 2. The Director is responsible for making the determination that a group of individuals are working in concert. The Director or designee 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 Johnson City Public Library Board of Directors.