

RESOLUTION 12-15

A RESOLUTION PROVIDING FOR THE MAINTENANCE, PRESERVATION, AND PROTECTION OF PUBLIC RECORDS, AND ESTABLISHING PROCEDURES FOR ACCESSING AND COPYING OPEN PUBLIC RECORDS FOR THE CITY OF WHITE HOUSE, TENNESSEE.

WHEREAS, the City of White House has amassed large quantities of records that are inactive and no longer have administrative, fiscal, legal, or historical value; and

WHEREAS, Tennessee Code Annotated 10-7-701 authorizes the disposal of public records in accordance with established record retention schedules provided by the Municipal Technical Advisory Services; and

WHEREAS, the City of White House desires to purge records that are not required to be kept by law and that no longer have value; and

WHEREAS, Tennessee Code Annotated 10-7-503 states that all municipal records shall be open to the public for inspection during business hours, excepted as provided for in Tennessee Code Annotated 10-7-504.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of White House as follows:

Section 1. The records management policies and procedures attached hereto and made a part hereof are hereby adopted.

Section 2. The attached records management policies and procedures attached hereto and made a part hereof replace all previous resolutions regarding records management.

Section 3. Changes or revisions to the procedures hereby adopted shall be made only by resolution of the Board of Mayor and Aldermen of the City of White House.

Adopted this 20th day of September, 2012.



Michael Arnold, Mayor

ATTEST:



Amanda Priest, City Recorder

**RECORDS
MANAGEMENT
POLICIES
AND
PROCEDURES**

Records Management Program

Policy

The City of White House has an important responsibility to preserve public records. Proper records management will ensure that these records are preserved and can be found when needed. Public records will be stored, made available for viewing and copying, and disposed according to the procedures in this policy.

Definitions

"Confidential public record" means any public record which has been designated confidential by statute and includes information or matters or records considered to be privileged and any aspect of which access by the general public has been generally denied;

"Disposition" means preservation of the original records in whole or in part, preservation by photographic or other reproduction processes, or outright destruction of the records;

"Essential records" means any public records essential to the resumption or continuation of operations, to the re-creation of the legal and financial status of government in the city or to the protection and fulfillment of obligations to citizens of the city;

"Permanent records" means those records which have permanent administrative, fiscal, historical or legal value;

"Public record or records" means 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; It does not include the device or equipment, including, but not limited to, a cell phone, computer or other electronic or mechanical device or equipment, that may have been used to create or store a public record T.C.A. 10-7-503 (a), (1), (A), (B);

"Records creation" means the recording of information on paper, printed forms, punched cards, tape, disk, or any information transmitting media. "Records creation" includes preparation of forms, reports, state publications, and correspondence;

"Records Custodian" the department head or designee of each department and is responsible for the direct custody and care of a public record and is not necessarily the original preparer or producer of the record;

"Records disposition authorization" means the official document utilized by a department head to request authority for the disposition of records. The Records Custodian, the City Recorder, and the City Administrator shall determine and order the proper disposition of city records through the approval of records disposition authorizations;

"Records management" means the application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records in order to reduce costs and improve efficiency of recordkeeping. "Records management" includes records retention schedule development, essential records protection, files management and information retrieval systems, microfilm information systems, correspondence and word processing management, records center, forms management, analysis, and design, and reports and publications management;

"Records of archival value" means any public record which may promote or contribute toward the preservation and understanding of historical, cultural, or natural resources of the city;

"Records officer" means an individual designated by a department head to assist the Records Custodian or assume responsibility for implementation of the department's records management program;

"Redacted Record" a public record otherwise open for public inspection from which protected information has been removed or made obscured prior to release or inspection.

"Requestor" a Tennessee citizen requesting access to or a copy of a public record.

"Temporary records" means material which can be disposed of in a short period of time as being without value in documenting the functions of an agency. Temporary records will be scheduled for disposal by requesting approval from the Records Custodian, City Recorder, and the City Administrator utilizing a records disposition authorization; and

"Working papers" means those records created to serve as input for final reporting documents, including electronic data processed records, and/or computer output microfilm, and those records which become obsolete immediately after agency use or publication.

Storage of Records

Working papers should only be stored in the office environment as long as administratively necessary. These records generally become obsolete immediately after receiving and reviewing and have no temporary or permanent value. These records include paper and electronic mailings both from internal and external sources; notes from meetings; rough drafts of reports; and records that come and go in the course of the day.

Temporary and Permanent records may be stored in office files until they become inactive. Inactive files should be moved to an area that is approved as an archived storage space. This space is approved by the records custodian of each department and should meet as nearly as possible the environmental recommendations from the most current "Records Management for Municipal Governments" manual by the Municipal Technical Advisory Service.

Paper is not the only medium in which records can be stored. Records' can be stored or maintained on a computer or removable computer storage media, including CD Rom disks T.C.A. 10-7-121 (a), (1). Record Custodians should consider space needs and are encouraged to store inactive records that are more than five years old in one of these alternative storage formats.

All daily data generated and stored within the computer system shall be copied to computer storage media daily, and the newly created computer storage media more than (1) week old shall be stored at a location other than at the building where the original is maintained T.C.A. 10-7-121 (a), (1), (C).

Most office environments have conditions that are acceptable for storage of records in most formats. Unless conditions are very severe, temperature and humidity are not factors affecting records scheduled for destruction in a few years. Wide fluctuations in temperature and high humidity can result in severe damage to these records. Ideally, the temperature should be 65 to 75 degrees Fahrenheit, and the humidity should be kept at 45 to 55 percent. It is important that the records custodian ensure that records that are permanent according to the records retention schedule are kept in an environment suitable for long term storage.

Record Custodians should consider having a disaster plan that would protect important and vital records in the event of a disaster. This would include making sure that there are off-site archival quality copies of the city's most important records.

Requests for Public Records

In Tenn. Code Ann. Section 10-7-505(d), the Tennessee General Assembly declares that the Tennessee Public Records Act (hereinafter "TPRA") "shall be broadly construed so as to give the fullest possible access to public records." Courts in Tennessee have opined that unless there is a clear exception provided in law, all records of a governmental entity are to be open to citizens for inspection and/or copying. However, these Courts have also acknowledged the ability of records custodians to adopt reasonable rules governing the manner in which records request are to be made and fulfilled.

The Records Custodian and/or the Records Officer in each department shall be the public records request custodian. Pursuant to the TPRA this person(s) will ensure that full access and assistance is given in a timely and efficient

manner to **Tennessee residents** who request access to public documents in accordance with the public records retention schedule as provided in the most current MTAS publication *Records Management for Municipal Government*. (The only time a non-Tennessee resident's request for a public record shall be granted is if the requestor was involved in a traffic crash or was a victim of a crime in which a City of White House Police Officer took a report.)

The City of White House maintains a public web site and uses various methods of social media to provide some public records. Records Custodians are encouraged to use these means to post often requested records and to direct requestors to these records. However, Records Custodians are cautioned not to disclose matters protected by state law as confidential. Also, a requestor may still exercise the right to inspect the public record following the procedures below.

All municipal records shall, at all times during normal business hours, as set by the City Administrator, 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.

City employees shall direct all requests of public records to the Records Custodian/Records Officer of their department.

Requests for personnel records shall be made to the Human Resources Director. If the personnel record requested is for a police officer, the Human Resources Director will promptly notify the Police Chief, as well as the officer whose record was requested. The Police Chief shall make the final determination as to the release of the information requested. In the event that the Police Chief refuses to release the information, he/she shall provide a written explanation of the reasons for not releasing the information.

Requests for Viewing

The Records Custodian/Records Officer may not require a written request or assess a charge to view in person a public record unless otherwise required by law. The Records Custodian/Records Officer shall require any citizen making a request to view a public record to present photo identification, if the person possesses photo identification, issued by a governmental entity that includes the person's address. If a person does not possess photo identification, the Records Custodian/Records Officer shall require another acceptable form of identification T.C.A. 10-7-503 (a), (7), (A).

The Records Custodian and/or Records Officer shall promptly make available for inspection any public record not specifically exempt from disclosure. Any request for inspection or copying of a public record shall be sufficiently detailed to enable the Records Custodian/Records Officer to identify the specific records to be located or copied T.C.A. 10-7-503 (a), (7), (B).

All inspections of public records must be performed under the supervision of the Records Custodian or designee. Confidential information or exempt information should be redacted prior to inspection or copying.

In the event it is not practical for the record(s) to be promptly available for inspection, the Records Custodian/Records Officer shall within seven (7) business days:

Make the information available to the requestor – for inspection only the Records Custodian/Records Officer will use the *Inspection/Duplication of Records Request* and follow the instructions listed at the top for "Custodian Instructions."

Deny the request in writing using the *Records Request Denial Letter* – the Records Custodian/Records Officer shall include the basis for the denial. If the request is denied because the Records Custodian/Records Officer is not the holder of the records requested then the Records Custodian/Records Officer should make the requestor aware of the appropriate Records Custodian (if known) whenever possible. The statutory time frame is not triggered until the request is made by the requestor to the appropriate records custodian.

Furnish the requestor a *Records Production Letter* stating the time reasonably necessary to produce the record or information T.C.A. 10-7-503 (a), (2), (B).

Requests for Copies or Duplication

If the requestor is requesting a copy(s) of public records the *Inspection/Duplication of Records Request* form shall be given to each requestor of public records by the Records Custodian/Records Officer. The requestor is to follow the instructions at the top of the form "Requestor Instructions." This would include filling in their name; presenting photo identification issued by a governmental entity, to verify Tennessee residency; address and contact information; indicating what type of request; and identifying the record's requested.

The Records Custodian/Records Officer should follow the instructions listed at the top of the *Inspection/Duplication of Records Request* form "Custodian Instructions" in reference to copies and duplications. The Records Custodian/Records Officer should make every effort in large-volume requests to provide electronically to utilize the most cost effective method of producing records.

Whenever a record is redacted, the requestor should be provided the basis for the redaction.

After providing what is thought to be all records responsive to a public records request a records custodian discovers that records were omitted, the requestor should be made aware of the omission and the records produced.

If after requesting clarification on a records request and the records custodian is unable to determine what is being requested, the request should be denied.

If the public records requested are frail due to age or other conditions and copying of the records would cause damage to the original records, the requesting party may be required to make an appointment for inspection.

Fees

A records custodian must provide requestors with an estimate of the charges to be assessed for copies and labor. Whenever possible, the records custodian should provide the estimate prior to producing the requested copies of records and should itemize the estimate. This can be documented on the *Inspection/Duplication of Records Request* form.

Records custodians should require and receive either full or partial payment of the estimated charges prior to production of copies of the requested records. Payment must be in cash, money order, or check.

Charges for physical copies of records, in accordance with the Office of Open Records Counsel schedule of reasonable charges, are as follow:

\$0.15 per page copied for black and white copies.

\$0.50 per page copied for colored copies.

\$0.15 per page copied for traffic crash reports.

Maps, plans electronic data, audio discs, video discs, and all other materials shall be duplicated at actual costs to the city.

Labor in excess of one hour may be charged by the city, in addition to the cost per page copied. The city may require payment in advance of producing voluminous records. Requests for copies of records may not be broken down into multiple requests for the same information in order to qualify for the first free hour. For a request requiring more than one employee to complete, labor charges will be assessed based on the following formula: In calculating the charge for labor, a department head shall determine the number of hours each employee spent producing a request. The department head shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The department head will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the department head will add together the totals for all employees involved in the request and that will be the total amount of labor that can be charged.

Public Records Disposal

Prior to disposal of any public record an employee must first decide what type of record is being considered for destruction. For disposition purposes, records will fall into one of three classes. The procedure for disposing of each of these classes is different.

Working Papers

Working papers become obsolete immediately after agency use or the information contained therein gets documented in a publication such as a monthly or annual report. These are the day to day papers that come in by mail, email, notes from a meeting, rough drafts for a report, informal papers, etc. Any public record defined as a working paper may be destroyed without retaining the originals of the record and without review by records disposition authorization personnel. These records should be destroyed by employees immediately or as soon thereafter so that they do not become burdensome.

Temporary Records

If a record must be kept for some reason after its initial use, then it becomes a temporary record. Financial and payroll records are a good example to consider. Payroll records have fulfilled their immediate purpose once an employee receives their check. But to comply with federal statutes and regulations these records are needed in the case of an audit. The State legislature has authorized the Municipal Technical Advisory Service, a unit of the Institute for Public Service of the University of Tennessee, to compile and print, in cooperation with the state library and archives, a records retention manual which can be used to guide municipal employees T.C.A. 10-7-702. It is the responsibility of each Records Custodian/Records Officer to follow the guidelines of the most current MTAS *Records Management for Municipal Government* manual. In this manual you will find record retention lists for each area of responsibility in municipal government.

Records custodians should review the list in the retention schedule for their specific area of responsibility. The general administration schedule should be checked to give guidance for an administrative record that may also fall under their area of responsibility.

Records that have a retention period may be destroyed after the recommended period of time in the retention schedule. Before proceeding with destruction the records custodian must complete a *Records Disposition Request and Authorization* form. Approval from the City Recorder and the City Administrator is required prior to destruction of temporary records.

Permanent Records

Permanent records have permanent administrative, fiscal, historical or legal value. These records require the utmost care in storing and protecting from decay, loss, or destruction. These records need to be stored in an environment suitable for long term storage. This policy approved by resolution of the Board of Mayor and Alderman, notwithstanding any law provision of law contrary, authorizes the disposal of any permanent **paper** record of this municipality only when the permanent record has been photocopied, photostated, filmed, microfilmed, preserved by microphotographic process, or reproduced onto computer media, including CD-ROM disks, in accordance with T.C.A. 10-7-121. Reference T.C.A. 10-7-702.

**RECORDS DISPOSITION REQUEST
AND AUTHORIZATION FORM**

Name of person requesting disposition authority: _____

Title: _____

Action requested: One-time records disposition authority
 Continuous records disposition authority based upon retention schedule
 Other disposition authority (explain) _____

For one-time authority, describe records: _____

Record group and series title: _____

Date span of records: _____ Volume: _____

Proposed disposition (cite pertinent guidance in MTAS Retention Schedule: _____

Signature of person making request: _____

Approved Not approved

City Recorder

Date

City Administrator

Date



INSPECTION/DUPLICATION OF RECORDS REQUEST

Requestor Instructions: To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received. Requestors who are having the records emailed or mailed to him/her are not required to sign and date section 11 of the form.

Custodian Instructions: For requests to inspect, the **records custodian** is to fill in sections 1-6,8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.

(FRONT)

1. Name of requestor: _____
 (Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:

- Photo ID issued by governmental entity including requestor's address
- Other: _____

3. Requestor's address and contact information: _____

4. Request for: inspection/access copy/duplicate [previously inspected on _____ (date) or inspection waived]

5. Record(s) requested:

- a. Type of record: Minutes Annual Report Annual Financial Statements
 Budget Employee file Other

b. Detailed Description of the record(s) including relevant date(s) and subject matter:

6. Request submitted to: _____
 (Name of Governmental Entity, Office or Agency)

- a. Employee receiving request: _____
 (Print or Type and Initial)
- b. Date and time request received: _____
- c. Response: Same day Other _____

7. Costs (if assessed):

- a. Number of pages to be copied: _____ Estimated
- b. Cost
 - (1) per page letter or legal sized: \$ _____ (justification required if more than \$0.15) per black and white \$ _____ (justification required if more than \$0.50) per color;
 - (2) per page other sized or other medium _____: \$ _____ (justification required)

Costs continued:

- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): _____
 Labor at \$ _____ /hour for _____ hour(s).
 Labor at \$ _____ /hour for _____ hour(s).
 Labor at \$ _____ /hour for _____ hour(s).
- d. Programming cost to extract information requested: _____
- e. Method of delivery and cost: _____ Estimated
 On-site pick-up U.S. Postal Service Other: _____
- f. Estimate of total cost to produce request: _____
- g. Estimate provided to requestor: in person by U.S.P.S. by phone Other: _____

8. Payment:

- a. Form of payment: Cash Check Other _____
- b. Amount of payment: _____
- c. Date of payment: _____
- d. Actual cost (and adjustment if prepaid): _____

9. _____
Signature of Requestor

Date Records Requested

10. _____
Signature of Records Custodian

Date of Receipt of Request

Delivery/Retrieval of Records

11. _____
Signature of Requestor

Date Records Retrieved

12. _____
Signature of Records Custodian

Date Records Retrieved/Delivered
Or

Date Records Inspected by the Requestor



RECORDS REQUEST DENIAL LETTER

Dear Sir or Madam:

On _____, _____ received
your open records request to inspect/receive copies of _____

After reviewing the request, this Office is unable to provide you with either all or part of the
requested record(s). The basis for this denial is:

- No such record(s) exists.
- This office does not maintain record(s) responsive to your request.
- Additional information is needed to identify the requested record(s): _____

The following law (citation and brief description why access denied):

- Tenn. Code Ann. Section: _____
- Court Rule: _____
- Common Law Provision: _____
- Federal Law (HIPAA, FERPA, etc.): _____

If you have any additional questions please contact _____

Sincerely,

Records Request Denial Letter
Tenn. Code Ann. § 10-7-503(a)(2)(B)(ii)

Form #CT-0447
Revised 12/10



RECORDS PRODUCTION LETTER

Dear Sir or Madam:

On _____, _____ received
your open records request to inspect/receive copies of _____

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor;
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information. [emphasis added]**

This Office is currently in the process of retrieving, reviewing, and/or redacting the requested records. In accordance with the above-cited law, this letter is being sent to inform you that by _____ either the records you have requested to inspect/receive copies of will be available or a determination of accessibility and availability will be made regarding the requested records.

If you have any additional questions please contact _____

Sincerely,

Records Production Letter
Tenn. Code Ann. § 10-7-503(a)(2)(B)(iii)