



# Release of Public Records

## SS 3.102

LAST REVISED: June 2017 (See revision history on last page.)

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Metropolitan Nashville Public Schools (“Metro Schools”) is hereby adopted 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 will, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records will 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 Metropolitan Nashville Public Schools are presumed to be open for inspection unless otherwise provided by law.

Personnel of Metropolitan Nashville Public Schools will provide timely and efficient access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy will 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 Metropolitan Nashville Public Schools, will be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Specialist for Metropolitan Nashville Public Schools or to the Tennessee Office of Open Records Counsel (“OORC”). If a department routinely provides documents to the public in the ordinary course of business, nothing in this policy should prevent it from continuing to do so. In such cases, when requests are made for such documents directly to the department, and the request is fulfilled by the immediate provision of the documents to the requesting party, it is not necessary for the department to go through the process described in this policy.

This Policy is posted online at [www.mnps.org](http://www.mnps.org) and will be reviewed every two years.

### **Definitions.**

- A. *Confidential record:* Any record, or part of a record, which is defined by the Tennessee Public Records Act, or other state or federal law, as being exempt from public inspection, including, but not limited to, those records listed in T.C.A., § 10-7-504.
- B. *Labor:* The time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing records.
- C. *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.

- D. *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).
- E. *Public Records Request Specialist*: 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 Specialist may also be a records custodian.
- F. *Requester*: A person seeking access to a public record, whether it is for inspection or duplication.

## **I. Requesting Access to Public Records**

- A. Public record requests will be made to the Public Records Request Specialist ("PRRS") or his/her designee to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only can be made in writing or by oral request. Written requests are encouraged to ensure the appropriate records for inspection are made available to the requester. If the requester desires responses or written communications from Metro Schools to be sent to a preferred mailing or email address, these addresses must be provided by the requester. If the requester does not provide a preferred mailing or email address, then any requests for clarification, responses, or other written communication required by the TPRA in response to requests for inspection only will be sent to the mailing address shown on the proof of Tennessee citizenship submitted by the requester.

Requests for inspection only may be made in the following ways:

- a. Requests for inspection may be made orally or in writing using the attached Inspection/Duplication of Records Request form at 2601 Bransford Ave., Nashville, TN, 37204 or by email to [publicrecords@mnps.org](mailto:publicrecords@mnps.org). If sending via email, please write "Open Records Act Request" in the subject line.
- b. Contact the Metro Nashville Public Schools Communications Office, Public Records Request Specialist at 615-259-8405
- C. Requests for copies, or requests for inspection and copies, may be made in writing using the attached Inspection/Duplication of Records Request form to 2601 Bransford Ave., Nashville, TN, 37204 or by email to [publicrecords@mnps.org](mailto:publicrecords@mnps.org). If sending via email, please write "Open Records Act Request" in the subject line.
- 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.

## **II. Responding to Public Records Requests**

A. Public Record Request Specialist

1. The PRRS will review public record requests and make an initial determination of the following:

- a. If the requester provided evidence of Tennessee citizenship;
- b. If the records requested are described with sufficient specificity to identify them, if practical (unless the records custodian is needed to make this determination); and
- c. If Metro Nashville Public Schools is the custodian of the records.

2. The PRRS will acknowledge receipt of the request and take any of the following appropriate action(s):

a. Advise the requester 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 grounds for denial such as one of the following:

- i. The requester 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. The PRRS will provide the exemption in written denial.
- iv. Metro Schools is not the custodian of the requested records.
- v. The records do not exist. Metro Schools is not responsible for searching through files to compile information or for creating records that do not exist.

c. If appropriate, contact the requester to see if the request can be narrowed.

d. Forward the records request to the appropriate records custodian in Metropolitan Nashville Public Schools.

e. If requested records are in the custody of a different governmental entity, and the PRRS knows the correct governmental entity, advise the requester of the correct governmental entity and PRRS for that entity, if known.

3. The designated PRRS(s) are:

a. **Public Records Specialist**

*(for all requests except non-media requests to view employee personnel files)*

Metropolitan Nashville Public Schools

2601 Bransford Avenue

Nashville, TN 37204

Email [publicrecords@mnps.org](mailto:publicrecords@mnps.org) with subject line Public Records Request. Requesters may also call 615-259-8405 and ask for the Public Records Specialist.

- b. Metro Schools Human Resources  
(for non-media requests to view employee personnel files)

Metropolitan Nashville Public Schools  
2601 Bransford Avenue  
Nashville, TN 37204

To request to view an employee personnel file, please contact the Human Resources Department at the address above or by calling 615-259-8636.

#### B. Records Custodian

1. Upon receiving a public records request, the Metro Schools PRRS will forward to the appropriate records custodian, who will promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the PRRS is uncertain that an applicable exemption applies, the PRRS may consult with the Metropolitan Nashville Department of Law.
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 records custodian will provide an estimate of time required to the PRRS who will, within seven (7) business days from the records custodian's receipt of the request, send the requester a completed **Public Records Request Response Form**.
3. If the PRRS denies a public record request, he or she will 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 will notify the PRRS, who will use the Public Records Request Response Form to notify the requester 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 PRRS should contact the requester 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 PRRS, who will notify the requester 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 will prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with the PRRS or other appropriate parties regarding review and redaction of records. The PRRS may also consult with the Metropolitan Nashville Department of Law.
2. Whenever a redacted record is provided, the PRRS should provide the requester with the basis for redaction. The basis given for redaction will be general in nature and not disclose confidential information.

#### IV. Inspection of Records

- A. There will be no charge for inspection of open public records.

- B. The location for inspection of records within the offices of Metropolitan Nashville Public Schools will be determined by either the PRRS or the records custodian.
- C. Under reasonable circumstances, the PRRS or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

#### **IV. Copies of Records**

- A. A records custodian will promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. At the discretion of the records custodian or PRRS, as applicable, and where possible, the responsive records may be emailed to the requester.
- C. Copies, whether hard copies or in electronic form, such as on a cd or flash drive, depending on what is easiest for the records custodian or PRRS, will be available for pickup at a location specified by the records custodian at one of their department location(s).
- D. Upon payment for postage and copies, copies will be delivered to the requester's preferred or home address by the United States Postal Service. Additional permitted means of delivery may be utilized at the discretion of the PRRS or records custodian, as appropriate.
- E. A requester inspecting records will be allowed to photograph records with a smart phone or camera, although such photographs of records will not be eligible for certification as certified copies. Due to cybersecurity reasons, under no circumstances may a requester insert a personal flash drive or other storage device into any Metro Schools computer. A requester may provide an unopened, manufacturer sealed flash drive to the district to obtain electronic copies. The use of any other device is at the discretion of the PRRS, as appropriate. This decision will be made based on considerations such as security or the burden imposed on the department.

#### **V. Fees and Charges and Procedures for Billing and Payment**

- A. A records custodian/designee will produce records using the most cost efficient method(s).
- B. Requesters will be charged \$0.15 per page (8 ½" x 11" or 8 ½" x 14" paper) for black and white copies. For documents in color, requesters will be advised that color copies are available at a higher charge than black and white copies. If the requester then requests a color copy, the requester will be charged \$0.50 per page (8 ½" x 11" or 8 ½" x 14" paper). Duplex copies (copies on both sides of a page of paper) are charged as two (2) separate copies. These charges are designed to cover the cost to Metro Schools for copies of records maintained and provided to requesters. This is a reasonable amount that reflects the cost to the district based upon the average cost for the copy machine, paper and supplies, and overhead costs and is also an amount equal to or less than the amount adopted by the Office of Open Records Counsel of the State of Tennessee as a reasonable cost for producing a copy of a public record.
- C. Metro Schools can charge the requester for employee labor that is reasonably necessary to produce the requested records. However, no charge will accrue for the first one (1) hour incurred by personnel in producing the requested material. Costs are charged based on the hourly wage of the employee(s) (not including benefits) required to produce the record. For salaried employees, the hourly wage is determined by dividing the employee's annual salary by the required hours to be worked per year (salary/ [52 weeks per year x hours worked per week]). The PRRS will determine the number of hours each employee spent producing a request and then subtract one (1) hour from the highest paid employee. The PRRS will then multiply each employee's hourly wage by the total number of labor hours worked by that employee. Finally, the

total labor hours for all employees will be added together to determine the total labor amount to charge.

- D. Requesters will retrieve requested records by hand delivery when they return to the custodian's office. If the requester requests delivery by means of the United States Postal Service, or through any other delivery means agreed to by the PRRS, costs incurred in delivering the copies will be assessed in addition to other permitted charges. The requester will be required to pay the costs before the copies are provided to the requester.
- E. The estimated cost of providing copies requested will be calculated by the PRRS and explained to the requester, unless the requester waives his/her right to receive this estimate. Should a requester cancel the public records request, to the extent costs have been incurred by Metro Schools, the requester will be responsible for paying the costs incurred, if the requester has agreed in writing to make the payment as set out in this section, and as explained to the requester before the copies are made. The requester has a right to waive his/her right to an estimate of charges.
- F. Where it is not practical or possible for the department's copying equipment to prepare the copies of the records requested, the PRRS will immediately notify the requester. The requester may then request the PRRS to determine and advise the requester of the estimated cost to commercially reproduce a copy of the records. After the requester pays the estimated commercial reproduction costs, the PRRS will arrange the commercial reproduction of the documents for the requester. The requester will pay any costs exceeding the estimated cost before the copies are provided to the requester.
- G. Where Metro Schools will be assessed a charge to retrieve requested records from archives, or any other entity having possession of the requested records, the PRRS will immediately notify the requester. After the requester pays the estimated retrieval costs, the PRRS will arrange for the retrieval and reproduction of the documents for the requester. The requester will pay any costs exceeding the estimated cost before the copies are provided to the requester.
- H. The Department will give the requester the option of receiving information in any format in which it is maintained by the Department, including electronic format consistent with Tennessee Code Title 10, Chapter 7, Part 1.

## **VI. Aggregation of Frequent and Multiple Requests**

- A. At the discretion of the PRRS or records custodian, as appropriate, Metro Schools may 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).
- B. If aggregating:
  - a) Records will be aggregated at the district level.

The PRRS is responsible for making the determination that a group of individuals are working in concert. The PRRS or the records custodian must inform the individuals they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

### **References/Authority**

*Tennessee Public Records Act, T.C.A. § 10-7-503 et. seq.*  
*SSp 3.101 Requesting Public Records (MNPS Procedure)*

**Revision History**

June 2017  
February 2011

**Review**

Bi-Annually

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