

**PUBLIC RECORDS POLICY FOR  
SMOKY MOUNTAIN TOURISM DEVELOPMENT AUTHORITY**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Smoky Mountain Tourism Development Authority (hereinafter the "Authority") is hereby adopted by the Board of Commissioners 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.

This Policy is available for inspection and duplication in the office of the Authority President. This Policy is posted online at [www.smokymountains.org](http://www.smokymountains.org). This Policy shall be reviewed every two years and shall be applied consistently throughout the Smoky Mountain Tourism Development Authority.

**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. **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 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 Coordinator may also be a records custodian.
  - D. **Requestor.** 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 shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee, or via online submission, in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
  - B. Requests for inspection may be made orally or in writing using the Records Request Form at 201 S. Washington Street, Maryville, Tennessee 37804 or by phone at 865-983-2241.

- C. Requests for copies, or requests for inspection and copies, shall be made in writing using the Records Request Form at 201 S. Washington Street, Maryville, Tennessee.
- D. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license, or alternative acceptable form of ID acceptable to the records custodian, is required as a condition to inspect or receive copies of public records.

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

#### **A. Public Record Request Coordinator**

The PRRC shall review all public record requests and make an initial determination of whether the requester provided evidence of Tennessee citizenship, the records requested are described with sufficient specificity to identify them, and the Authority is the custodian of the records.

- 1. 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;
    - 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, using the Public Records Response Form, providing the appropriate grounds for denial. Grounds for denial shall include but not be limited to the following:
    - i. The request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested records(s).
    - ii. No such record(s) exists or this office does not maintain record(s) responsive to your request.
    - iii. No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
    - iv. The requestor is not entitled to records because the requestor is not a Tennessee citizen, is a felon, or intends to use the records for an illegal purpose.
    - v. The requestor has not paid the estimated copying/production fees.
    - vi. State, federal, or other applicable law prohibits disclosure of the requested records.
  - c. Forward the records request to the appropriate records custodian in the Authority.

2. The designated PRRC(s) is(are):

- a. Name or title: President
- b. Contact information: 201 S. Washington Street, Maryville, Tennessee, Phone: 865-983-2241, Fax: 865-984-1386.

**B. Records Custodian**

1. Upon receiving a public records request, a records custodian shall promptly make 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 counsel for the Authority.
2. If not practicable to promptly provide requested records, 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 a records custodian denies a public record request, he or she shall deny the request in writing 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 requester that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact 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 shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel regarding review and redaction of record.
2. Whenever a redacted record is provided, a records custodian should provide the requester with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

**IV. Inspection of Records**

There shall be no charge for inspection of open public records. The location for inspection of records within the offices of the Authority should be determined by either the PRRC or the

records custodian.

## **V. Copies of Records**

A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable. Copies will be available for pickup at a location specified by the records custodian.

Upon payment of all costs for the requested records, including postage, copies will be delivered to the requester's home address by the United States Postal Service. A requester will NOT be allowed to make copies of records with personal equipment.

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

- A. Records custodians shall provide requestors with an itemized estimate of the charges using their Public Records Request Cost Estimate Form prior to producing copies of records and shall require pre-payment of such charges before producing requested records. When fees for copies and labor do not exceed \$2.00, the fees may be waived.
- B. Fees and charges for copies are as follows:
  1. 15 cents per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy, and a duplex copy shall be the equivalent of two (2) separate copies.
  2. 50 cents per page for each 8 ½ x11 or 8 ½ x14 color copy produced.
  3. If actual production costs are higher than those reflected above or if the requested records are being produced on a medium other than 8 ½ x11 or 8 ½ x14 paper, the Authority shall charge the actual production cost and shall include with the request an explanation of the costs incurred.
  4. For any computer generated map or other similar geographic data that was developed with public funds and that also has commercial value, the Authority shall charge the actual production costs plus 10% of the actual cost to the Authority in developing such data, including labor, costs incurred in design, development, testing, implementation and training, and costs necessary to ensure that the map or data is accurate, complete and current.
  5. If the Authority utilizes an outside vendor to produce copies of requested records because the Authority is legitimately unable to produce the copies in house, the cost assessed by the vendor shall be recovered from the requestor.
  6. If the Authority is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the Authority shall assess the requestor the cost for retrieval of the records.

### C. Labor Costs

1. "Labor" includes the time reasonably necessary to locate, retrieve, review, redact, and reproduce the records.
2. In calculating the charge for labor, a records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract one (1) hour from the number of hours the highest paid employee spent producing the request. The records custodian 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 records custodian will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

D. Payment is to be made in cash, by personal check, or by credit card payable to presented to the records custodian.

### E. Aggregation of Frequent and Multiple Requests

1. The Authority 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). Such aggregation shall be calculated across all Authority departments collectively.
2. 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.