



Agenda Item # 61

## MEMORANDUM

**TO:** Metropolitan Planning Commission

**FROM:** Terry Gilhula, Information and Research Manager

**DATE:** May 1, 2017

**SUBJECT:** Public Records Management Policies

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**STAFF RECOMMENDATION:**

Approve amendments to public records management policies governing the maintenance and disposition of, and public access to, MPC's public records.

**BACKGROUND:**

In December 2013, MPC adopted a records management policy, based on provisions of Tennessee Code Annotated *Title 10: Public Libraries, Archives and Records, Chapter 7: Public Records*. The policy was included as Appendix F in *Administrative Rules and Procedures*. In late 2016, state law was amended regarding requirements for public access to government records. To comply with the changes, MPC's records management policy has been updated: minor changes were made to the "Policy Basis" and "Management Policy" sections of the previously adopted document, and a new section was added, "Public Records Policy." The new section was written from a model policy provided by the State of Tennessee Comptroller of the Treasury, Office of Open Records Counsel (OORC).

While the December 2013 version of public records management policies was included as part of *Administrative Rules and Procedures*, MPC's attorney recently opined that the policy statements should be removed from *Administrative Rules and Procedures* and serve as a stand-alone document, as presented in the attached *Knoxville/Knox County Metropolitan Planning Commission Public Records Management*.



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION**

**PUBLIC RECORDS MANAGEMENT**

May 1, 2017

**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
PUBLIC RECORDS MANAGEMENT**

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# KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION PUBLIC RECORDS MANAGEMENT

May 1, 2017

The Knoxville/Knox County Metropolitan Planning Commission Public Records Management report and policy statement is comprised of three sections:

**Policy Basis:** State requirements and best practices for management of public records are outlined.

**Management Policy:** The Metropolitan Planning Commission's policy for managing the assembly, storage, and preservation of agency records is stated.

**Public Records Policy:** The Metropolitan Planning Commission's public records policy provides economical and efficient access to the agency's public records.

## POLICY BASIS

### I. Statutory Authority

In the course of its daily functions, the Knoxville/Knox County Metropolitan Planning Commission (MPC) generates many records, most of which are considered "public records." State law defines public records and specifies requirements for access, retention, and disposal in Tennessee Code Annotated *Title 10: Public Libraries, Archives and Records, Chapter 7: Public Records*.

Further guidance for records management is provided by The University of Tennessee's County Technical Assistance Service (CTAS). CTAS is authorized by the state to assist county offices in records management policies and practices. Its guidelines are published in *Records Management for County Governments* (2017).

### II. Public Records Defined

The State of Tennessee defines public records as follows:

*"Public record or records" or "state 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 by any governmental agency. (Tenn. Code Ann. § 10-7-503(a)(1)(A)(i))*

Examples of public records that may be made by or received by MPC include applications and staff reports for zoning and subdivision cases, plans, ordinances, meeting minutes, budgets, payroll records, contracts, vendor vouchers, revenue reports, audit reports, and personnel files.

### III. Public Records Commission

State requirements call for establishment of a county public records commission, charged with the responsibility to determine and order the proper disposition of local public records:

*In order to provide for the orderly disposition of public records created by agencies of county government, the county legislative body shall create within the county a county public records commission. (Tenn. Code Ann. § 10-7-401)*

A public records commission has been established for Knox County. The Knox County Public Records Commission makes known to county departments the rules, regulations, standards, and procedures pertaining to record disposition.

Disposition of records includes:

- Destruction of records in their current file area
- Transfer of records to a county records center and subsequent destruction after expiration of an authorized retention period
- Permanent retention of records

Disposition of public records occurs through the process of an approved records disposition authorization, or RDA (Tenn. Code Ann. § 10-7-509). Destruction of records must be authorized by the records commission in accordance with the RDA.

#### **IV. Knox County Records Management**

The Knox County Records Management Department has been created to meet the public recordkeeping provisions of state law. Knox County Records Management stores, provides access, and preserves public records on behalf of the county's departments. Any county office may request to participate in the records management program, and MPC has elected to participate.

The county's records management department operates with an adopted recordkeeping policy, *Knox County Records Management Policy and Procedure Manual* (1995), compliant with statutory requirements of Tennessee Code Annotated and guidelines administered by CTAS.

Knox County Records Management policy covers:

- Records retention schedule
- Records disposition authorization
- Inactive records
- Public access to records
- Maintaining confidential records
- Alternative storage media
- Interacting with county public records commission

Knox County Records Management serves as a "secondary custodian and is legally responsible for the proper maintenance and integrity of all records placed in its custody. The office that transferred the records to the custody of the county records center remains the primary owning office" (*Knox County Records Management Policy and Procedure Manual*, p. 9). Accordingly, even while MPC's inactive<sup>1</sup>

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<sup>1</sup> The Tennessee State Library and Archives defines *inactive records* as "records you must keep but do not need every day." *Active records* are defined as "those still being used by an office to do work, or needed for frequent reference. There is no precise definition in terms of time spans because the status depends on need, not an arbitrary term limit." (*Managing Inactive Records and Archives: Guidelines and Models for Local Governments*, 1999.)

temporary and permanent records are stored in the care of Knox County Records Management, MPC retains full ownership of its records, and no other office has access to those records without MPC consent.

## **V. MPC Records Management**

Tennessee Code Annotated establishes provisions regarding duties of county officials in Title 8, Public Officers and Employees. For most offices, a required duty is keeping and preserving specific types of records. As characterized by CTAS,

*It is the solemn obligation of each county official to act as the legal custodian of the records of that office, to provide for their security and care, and to turn them over in good order to his or her successor. (Records Management for County Governments, p. 7)*

MPC's Executive Director and his/her designees oversee agency recordkeeping functions.

## **VI. Types of Public Records and Retention Requirements**

Management requirements of public records vary by type of record, which includes working papers, temporary records, and permanent records. An important difference in the three types of records is the retention requirement.

### **A. Working Papers**

The State of Tennessee defines working papers as follows:

*"Workings 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. (Tenn. Code Ann. § 10-7-301(14))*

Examples include notes, reference materials, copies of reports, bulletins, and research documents.

Working papers can be discarded immediately after use. Notes, rough drafts of reports, and other small records routinely generated in the course of a day are typically considered working papers. If a record becomes obsolete after use, it is considered a working paper.

According to CTAS guidance,

*Any public record defined as a working paper may be destroyed in accordance with the rules and regulations adopted by the public records commission without retaining the originals of such record and without further review by other agencies. Any rules and regulations of a public records commission regarding working papers should be liberal, allowing county officials to eliminate these records as easily as possible before they become burdensome. Many working papers generated by county offices are extremely informal types of records. (Records Management for County Governments, p. 40)*

## B. Temporary Records

The State of Tennessee defines temporary records as follows:

*"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 public records commission utilizing a records disposition authorization. (Tenn. Code Ann. § 10-7-301(13))*

Correspondence, contracts, personnel files, and payroll records are examples.

If a record needs to be retained for some reason after initial use, it is at least a temporary record. Most retention periods are short (three to five years) and, therefore, it is simplest to keep most temporary records in their original paper format during the retention period. Temporary records can be destroyed after their pre-determined retention period has expired and approval is granted from the county public records commission.

## C. Permanent Records

The State of Tennessee defines permanent records as follows:

*"Permanent records" means those records which have permanent administrative, fiscal, historical or legal value. (Tenn. Code Ann. § 10-7-301(5))*

Examples include minutes of a planning commission meeting, zoning ordinance, growth policy plan, major road plan, financial statement, and records useful for statistical or planning purposes.

Permanent records, or archival records, have enduring value and are held indefinitely, processed in accordance with standard archival practices, and made available for research.

According to CTAS guidance,

*Permanent records are records of such value that they must always be retained in some kind of permanent format. Examples of permanent records are the deeds filed in a registers office, the minutes of the county commission, and the original process in a civil or criminal proceeding. Some records, like deeds, are kept permanently because the record continues to have legal significance in perpetuity. Other records are permanent because they preserve certain information about the way we live and conduct government and are therefore valuable historically. Still others are useful for statistical or planning purposes. Then there are those that are permanent simply because there are laws that have declared them to be so. All of these need to be kept in such a manner as to preserve them indefinitely. (Records Management for County Governments, p. 41)*

## D. Record Retention

MPC and Knox County Records Management adhere to retention requirements for temporary and permanent records as established by CTAS and approved by the Tennessee State Library and Archives. CTAS has established a retention schedule for Planning and Zoning records, specific to county offices that oversee planning and zoning, that is, MPC in Knox County. The retention schedule is presented in the final section of this document.

Additional records, such as employment, accounting, and purchasing records, are kept by many county departments, including MPC. These types of records are retained in accordance with schedules defined by CTAS also. Refer to CTAS, *Records Management for County Governments* (2017), for details.

## VII. Electronic Records

As noted earlier, public records include many formats, such as paper, microfilm, photograph, and audio/video tape. Like other government agencies, many of MPC's records are also electronic: spreadsheets, text files, digital images and maps, and databases, for example. A sizable portion of those records are digital-only, that is, they are not also printed to paper or saved in any other format.

### A. Legal Requirements

As noted in CTAS guidance, "county governments can now use computers both as a format for creating and maintaining records originally as well as for reproducing existing paper records onto other storage media" (*Records Management for County Governments*, p. 47).

State law establishes requirements for government records kept on computer or removable computer storage media:

*(1) Notwithstanding any other law to the contrary, any information required to be kept as a record by any government official may be maintained on a computer or removable computer storage media, including in any appropriate electronic medium, instead of bound books or paper records if the following standards are met:*

*(A) Such information is available for public inspection, unless it is a confidential record according to law;*

*(B) Due care is taken to maintain any information that is a public record during the time required by law for retention;*

*(C) 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 one (1) week old shall be stored at a location other than at the building where the original is maintained; and*

*(D) The official can provide a paper copy of the information when needed or when requested by a member of the public. (Tenn. Code Ann. § 10-7-121)*

It should be noted that while creating and maintaining permanent records on electronic media is authorized by law, the Tennessee State Library and Archives does not consider any existing format for electronic records to be of permanent archival quality, recommending instead paper or microfilm copies of permanent records.

### B. Electronic Correspondence

Much of the correspondence sent and received by MPC staff takes the form of email, text message, or instant message, generally described as electronic correspondence. For purposes of document retention and public access, electronic correspondence of government employees, officials, and agencies should be treated no differently than other forms of correspondence, such as paper letters or memoranda.



Retention or disposal of email should be determined based on its content, not its form. As stated in County Technical Assistance Service (CTAS) guidance:

*E-mail is more of a format for records than a type of record itself. An inter-office memorandum may be typed and distributed on paper or it may be sent to all staff via e-mail. Either way, the retention period or procedures for managing the record should be determined based on the content of the memo, not its method of delivery. (CTAS, Records Management for County Governments, p. 49-50)*

Depending on the content of an electronic correspondence record, it may be treated as a working paper, which becomes obsolete immediately after use and may be discarded in accordance with the agency's records management policy. Some electronic correspondence is considered a temporary record, such as correspondence with citizens or government officials regarding policy and procedures or program administration. Such correspondence must be retained for a period of time as specified in CTAS guidance (entry 15-014 calls for five-year retention).

Electronic correspondence may be archived in electronic storage, or, in some cases, CTAS recommends printing and preserving them as paper records.

Public access to electronic correspondence records is specified in Tenn. Code Ann. § 10-7-512(b), "correspondence of the employee in the form of electronic mail may be a public record under the public records law and may be subject to public inspection under this part."

#### C. Website and Social Media Content

Like electronic correspondence, social media postings and website pages must be evaluated for status as public records based on content, not format. Content created to inform or engage citizens about agency business may be treated as a form of public record. Meeting announcements, plans, or press releases published to a website or social media outlet constitute public records. Another example, comments posted to an MPC social media page by a citizen or by a staff member may be treated as a form of correspondence if the content of the posts deals with policy and procedures or program administration, or, more generally, the conducting of agency business. Website and social media content that fits the definition of temporary or permanent record should be archived and retained.

### VIII. Records Open to Public Inspection

Tenn. Code Ann. § 10-7-503 provides for public access to and inspection of government records. Key elements include:

- All state, county, and municipal records shall, at all times during business hours, 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.
- 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 business days:
  - Make the information available to the requestor;
  - 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,

- Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information.
- Failure to respond to the request shall constitute a denial, and the person making the request shall have the right to bring an action as provided in Tenn. Code Ann. § 10-7-505.
- A governmental entity is not required to sort through files to compile information or to create or recreate a record that does not exist. Any request for inspection or copying of a public record shall be sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying.
- Information made confidential by state law shall be redacted whenever possible, and the redacted record shall be made available for inspection and copying.

CTAS provides a summary characterization of state law regarding access to public records:

*Every effort should be made to provide reasonable accommodation to parties requesting access to records; however, providing this service need not prevent the performance of other duties of the office. A request to see every record of an office and make a photocopy of each of them could obviously bring the entire operation of an office to a halt. For this reason, the official who has custody of the records is also authorized by law to adopt and enforce reasonable rules governing the making of extracts, copies, photographs or photostats of the records. These regulations should be reasonable and not interfere with the intent of the legislature to provide broad public access to records. The official with custody of the record should strive to balance the right to access records with his or her responsibility to preserve and protect the records. Regulations should be tailored to accommodate requests in a timely manner while allowing for the continued efficient functioning of the office and for the preservation and security of the records. Regulations that are intended to frustrate the ability of a citizen to access records will likely be found unreasonable and struck down by the courts. (Records Management for County Governments, p. 15)*

## **MANAGEMENT POLICY**

### **I. Adherence to Legal Requirements**

MPC will adhere to requirements for management of public records pursuant to Tennessee Code Annotated *Title 10: Public Libraries, Archives and Records, Chapter 7: Public Records*.

MPC also will consult state-authorized records management guidelines provided by County Technical Assistance Service (CTAS) in *Records Management for County Governments* (2017). MPC will follow CTAS retention schedules for records, including, but not limited to, planning and zoning records, accounting records, and employment records (see Schedule A. *Retention Schedule for MPC's Public Records* at the end of this document).

### **II. Records Manager and Custodians**

The MPC Executive Director will oversee the recordkeeping function for the agency, assuming ultimate responsibility for access, retention, and disposal of agency records. He/she will designate one or more Records Custodians (see Form D. *Designation of Public Records Custodians* following the *Public Records Policy* statement) who will assist with recordkeeping responsibilities and fulfill public requests for record inspection and copies.

Management functions (adapted here for MPC applicability from Tennessee Secretary of State, Records Management Division, *Records Management Basics*, 2013) include:

- Manage agency records, ensuring the appropriate development, utilization, disposition, retention, and destruction of records
- Ensure compliance with procedural guidelines for paper and electronic records retention
- Attend training provided by the county records management department and educate agency record coordinators on best practices and any new policies and procedures
- Serve as administrative liaison between the agency and the county records management department
- Ensure compliance with statewide retention schedules
- Create and submit requests for records destruction to the county records management department each time the agency needs to destroy records
- Create and submit records holding reports periodically to report on record growth to the county records management department
- Arrange for the delivery or retrieval of records to/from the records center

### **III. Offsite Record Storage**

Under authorization of MPC's Executive Director, the agency will voluntarily participate in the records management program of Knox County Records Management (KCRM), with that organization acting as secondary custodian of MPC's inactive temporary and permanent records. While MPC records are in the care of KCRM, MPC will comply with the records disposition authorization of that organization and the Knox County Public Records Commission. MPC's Executive Director and designated records custodians

will coordinate with KCRM to ensure compliance with the state's requirements, policies, and procedures for records management.

MPC retains full ownership of its records held at the KCRM facility. No other agency or individual has access to those records without MPC consent. Inspection requests by the public, other agencies, or MPC staff must be made through MPC's Executive Director or records custodians. MPC records will be temporarily removed from the KCRM facility and brought to MPC's offices where inspection will be permitted. Record removal policies and procedures of KCRM will be followed for such requests. Alternatively, KCRM can accommodate individuals at their facility if immediate access to MPC records is requested. In such instances, the requestor must first contact MPC's Executive Director or records custodians to identify specific storage locations at the KCRM facility. Without that information, KCRM staff may be unable to fulfill the records inspection request in a timely manner (see *Public Records Policy* in the following section).

MPC, at its sole discretion, may withdraw from participation in the Knox County Records Management program at any time.

#### **IV. Onsite Record Storage**

A portion of MPC's records are kept in the agency's offices. These records include, but are not limited to, active planning and zoning case files, accounting records, and employment records that have temporary and permanent retention requirements, as well as working papers from active MPC projects. Records held in MPC's offices will be made available for inspection by the public, other agencies, or MPC staff.

#### **V. Electronic Records**

MPC will adhere to state law that establishes requirements for creating, maintaining, and providing public access to government records kept on computer or removable computer storage media.

Further, MPC employees will be bound by agency policy (established in MPC's Employee Handbook) on electronic correspondence privacy and public access: correspondence of employees in the form of electronic mail may be a public record under the public records law and may be subject to public inspection.

Electronic correspondence and web-delivered content will be retained as prescribed in CTAS guidance. Content of emails, text messages, instant messages, social media posts, and website pages will be routinely evaluated for retention needs. If such content fits the definition of working papers, it will be discarded in accordance with agency records retention policy. If the content takes the form of temporary and permanent records, it will be archived and retained as necessary. Means of retention (electronic record or paper copy) will be determined by MPC's information technology manager.

## **PUBLIC RECORDS POLICY**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Knoxville/Knox County Metropolitan Planning Commission (“MPC”) is hereby adopted by the Commission of MPC 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, 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 MPC are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the MPC offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902. This Policy is posted online at [www.knoxmpc.org](http://www.knoxmpc.org). This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of MPC.

### **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. 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.

## II. 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 only cannot be required to be made in writing. The PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing using the attached Form A *Public Records Request Form* at the MPC offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902, by phone at 865-215-2500, by email at [contact@knoxmpc.org](mailto:contact@knoxmpc.org) or online at [www.knoxmpc.org](http://www.knoxmpc.org).
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form A *Public Records Request Form* at the MPC offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902 or online at [www.knoxmpc.org](http://www.knoxmpc.org).
- E. 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.
- F. Whenever practicable, announcements, agendas and minutes of meetings, frequently requested plans, reports and ordinances, and publishable (open) data shall be posted and readily available online at [www.knoxmpc.org](http://www.knoxmpc.org).

## III. Responding to Public Records Requests

- A. Public Records Request Coordinator
  - 1. The PRRC 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 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); 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.
- d. Forward the records request to the appropriate records custodian at MPC.
- e. 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 the Executive Director of MPC. He/she can be contacted at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902. Telephone 865-215-2500. Fax 865-215-2068. Email [contact@knoxmpc.org](mailto:contact@knoxmpc.org).

**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 the PRRC, counsel or the OORC.
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 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 which is attached as Form B *Public Records Request Response Form*, 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 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 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. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records.
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 MPC 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.

#### **V. 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 the MPC offices at 400 Main Street, Suite 403, Knoxville, Tennessee, 37902.



- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. Additional permitted means of delivery are:
  - 1. Expedited delivery service (e.g., over-night, two-day, and other USPS and commercial courier service), upon payment for such service.
  - 2. Electronic copies delivered via email.
- D. A requestor will be allowed to make copies of records with personal photographic equipment while records are in the possession, custody and control of the record custodian or PRRC.

## **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. Records custodians shall provide requestors with an itemized estimate of the charges using Form C *Public Records Request: Estimated Cost for Copies* prior to producing copies of records and 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 will be waived. Requests for waivers for fees above \$2.00 must be presented to the PRRC or record custodian, who is authorized to determine if such waiver is in the best interest of MPC and for the public good. 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 one (1) hour.
  - 4. If an outside vendor is used, the actual costs assessed by the vendor.
  - 5. Other charges:
    - a. Audio/video tape reproduction: actual cost.
    - b. Map reproduction: costs specified on Form C *Public Records Request: Estimated Cost for Copies*.
    - c. Electronic records: labor (as provided in Section VI.D.3) and storage device (actual cost).
- E. Payment is to be made in cash, by personal check, by credit card, or by debit card payable to MPC presented to the records custodian.

F. Payment in advance will be required when costs are estimated to exceed \$25.00 or when production services are provided by an outside vendor.

G. Aggregation of Frequent and Multiple Requests

1. MPC will 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 to be working in concert):
  - a. Records requests will be aggregated across MPC.
  - b. 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.
  - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: public meeting announcements, agendas and minutes, frequently requested plans, reports and ordinances, and publishable (open) data.

Form A. Public Records Request Form (p. 1)



KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
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. Note: If this request is for inspection of records only, the TPRA does not permit fees or require a written request.

To: Knoxville/Knox County Metropolitan Planning Commission  
Executive Director (Public Records Request Coordinator)  
400 Main Street, Suite 403, Knoxville, Tennessee 37902  
contact@knoxmpc.org / 865-215-2500 (Phone) / 865-215-2068 (Fax)

Requestor: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email Address/Telephone Number: \_\_\_\_\_  
Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.)  
 Copy/Duplicate (Charges may apply. See "Fees and Charges and Procedures for Billing and Payment" below.) 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  Electronic  
 USPS First-Class Mail  Other (specify): \_\_\_\_\_

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  
(By signing, I hereby certify that I am a citizen of the State of Tennessee)

\_\_\_\_\_  
Signature of Public Records Request Coordinator  
(or Designee) and Date Received

**Form A. Public Records Request Form (p. 2)**

**Fees and Charges and Procedures for Billing and Payment**

(For copies of records only. Fees and charges do not apply to inspection requests.)

1. \$0.15 per page for letter-size and legal-size black and white paper copies.
2. \$0.50 per page for letter-size and legal-size color paper copies.
3. Labor when time exceeds one (1) hour (no charge for first hour).
4. If an outside vendor is used, the actual costs assessed by the vendor.
5. Other charges:
  - a. Map copies:

Addressing/subdivision	GIS
• 18"X24": \$2.00	• 36"X48": \$30.00
• 18"X36": \$5.00	
• 24"X36": \$8.00	
• 36"X36": \$10.00	
  - b. Audio/video tape reproduction: actual cost.
  - c. Electronic copies: labor and storage device.
6. Delivery: No charge for on-site pick-up or electronic delivery. Actual cost for other methods (USPS First-Class Mail, expedited delivery service)
7. Payment is to be made in cash, by personal check, by credit card, or by debit card payable to MPC.
8. Payment in advance is required when costs are estimated to exceed \$25.00 or when production services are provided by an outside vendor.

MPC Public Records Request Form (Rev. 5/1/2017)

Form B. Public Records Request Response Form



KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
PUBLIC RECORDS REQUEST RESPONSE FORM

Date: \_\_\_\_\_

Requestor: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address/Telephone Number: \_\_\_\_\_

In response to your records request received on \_\_\_\_\_ our office is taking the action(s) indicated below:

The public record(s) responsive to your request will be made available for inspection:

Location, Date and Time: \_\_\_\_\_

Copies of public record(s) responsive to your request are:

Attached

Available for pickup at the following location: \_\_\_\_\_

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 records(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 questions regarding your record request, please contact:

Knoxville/Knox County Metropolitan Planning Commission  
Executive Director (Public Records Request Coordinator)  
400 Main Street, Suite 403, Knoxville, Tennessee 37902  
contact@knoxmpc.org / 865-215-2500 (Phone) / 865-215-2068 (Fax)

**Form C. Public Records Request: Estimated Cost for Copies**



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
PUBLIC RECORDS REQUEST: ESTIMATED COST FOR COPIES**

*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. Note: If this request is for inspection of records only, the TPRA does not permit fees or require a written request.*

**Date:** \_\_\_\_\_

**Requestor: Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email Address/Telephone Number:** \_\_\_\_\_

**Fees and Charges and Procedures for Billing and Payment:**

1. \$0.15 per page for letter-size and legal-size black and white paper copies.
2. \$0.50 per page for letter-size and legal-size color paper copies.
3. Labor when time exceeds one (1) hour (no charge for first hour).
4. If an outside vendor is used, the actual costs assessed by the vendor.
5. Other charges:
  - a. Map copies:
 

Addressing/subdivision	GIS
• 18"X24": \$2.00	• 36"X48": \$30.00
• 18"X36": \$5.00	
• 24"X36": \$8.00	
• 36"X36": \$10.00	
  - b. Audio/video tape reproduction: actual cost.
  - c. Electronic copies: labor and storage device.
6. Payment is to be made in cash, by personal check, by credit card, or by debit card payable to MPC.
7. Payment in advance is required when costs are estimated to exceed \$25.00 or when production services are provided by an outside vendor.

**Estimated Cost for Copies:**

- Letter/legal-size pages (number of pages and cost per page): \_\_\_\_\_
- Maps: \_\_\_\_\_
- Audio/video tapes: \_\_\_\_\_
- Electronic storage devices: \_\_\_\_\_
- Labor (time and rate): \_\_\_\_\_
- Method of delivery and cost:
 

<input type="checkbox"/> On-site Pick-up: No delivery cost	<input type="checkbox"/> Electronic: No delivery cost
<input type="checkbox"/> USPS First-Class Mail: _____	<input type="checkbox"/> Other: _____
- Estimated total cost to produce request: \_\_\_\_\_

**Estimate prepared by (PRRC/Records Custodian):** \_\_\_\_\_

**Form D. Designation of Public Records Custodians**



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
DESIGNATION OF PUBLIC RECORDS CUSTODIANS**

**Date:** \_\_\_\_\_

Pursuant to Tenn. Code Ann. § 10-7-503(a)(1)(C), the following members of Metropolitan Planning Commission staff are hereby designated Records Custodians, lawfully responsible for the direct custody and care of the agency's public records:

**Records Custodian:** \_\_\_\_\_

**Records Custodian:** \_\_\_\_\_

**Records Custodian:** \_\_\_\_\_

**Records Custodian:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of MPC Executive Director**

## Schedule A. Retention Schedule for MPC's Public Records

County Technical Assistance Service, *Records Management for County Governments* (2017), provides a retention schedule for Planning and Zoning records, presented here:

REF. NO.	CATEGORY	DESCRIPTION	RETENTION PERIOD	LEGAL AUTHORITY / RATIONALE
19-001	Board of Zoning Appeals Action	Application or documentation for hearing and decision before Board of Zoning Appeals.	Application - one year after application. Disapproval - one year after action. Approved Action - permanent.	Statute of limitations. Variance runs with land. Decisions related to uses on appeal or special exceptions continue as long as the use continues.
19-002	Building Inspection and Similar Reports	Reports building inspection and codes enforcement activities showing date, name of inspector, location inspected, etc.	Retain five years after issuance of certificate of occupancy or final inspection.	For each jurisdiction adopting and enforcing its own codes, records are audited by the State Fire Marshall's Office at least once every three years. Notify property assessor of completion before record is destroyed.
19-003	Comprehensive Growth Plan	Plans required in accordance with the TN Growth Planning Law (Public Chapter 1101) that indicate Urban Growth Boundaries, Planned Growth Areas and Rural Areas, plus any supporting documentation, side agreements, minutes of the coordinating committee, etc.	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
19-004	Minutes of Commissions and Boards	Recorded minutes of the Planning Commission and Board of Zoning Appeals. All recorded actions of Planning Commission and Board of Zoning Appeals, including records of members present and their votes on matters presented, the nature and results of votes.	Permanent record.	Actions recorded in minutes are effective until superseded or rescinded. Keep for historical purposes.
19-005	Plan and Plat Records	Drawings and blueprints of farms, subdivisions, cemeteries, city lots, and street improvements, showing name of subject, date of drawing, boundaries, scale used, location, name of engineer making survey, name of draftsman, and certificate of registration.	Permanent record.	Could have bearing on land title.
19-006	Regional Plan or Major Road Plan	Plan developed by the Planning Commission to designate major infrastructure and promote orderly and coordinated economic growth and development for the region.	Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
19-007	Reports / Recommendations of the Planning Commission to the Governing Body	All transmittals to governing body with recommendations regarding zoning, annexations, etc.	Permanent record.	Keep for historical purposes. If reports are included and incorporated into the minutes of the Board, there is not a need to keep additional copies separate from the minutes.



REF. NO.	CATEGORY	DESCRIPTION	RETENTION PERIOD	LEGAL AUTHORITY / RATIONALE
19-008	Request for Zoning Change	Request for permanent change to zoning map.	Retain for five years.	Appeals.
19-009	Studies and Reports of the Planning Commission	All studies and reports, including infrastructure studies, future facilities plans, etc.	Permanent record.	Keep for historical purposes.
19-010	Subdivision Regulations		Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.
19-011	Zoning Map and Ordinance		Permanent record.	Documents must be retained to provide evidence of their existence and proof of their lawful enactment. Superseded documents have historical and legal value.