

**RULES
OF
MIDDLE TENNESSEE STATE UNIVERSITY, MURFREESBORO**

**CHAPTER 0240-07-01
PUBLIC RECORDS – INSPECTING AND COPYING**

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0240-07-01-.01 PURPOSE.

- (1) This rule establishes the process under Tennessee’s Public Records Act for making and responding to requests to inspect and/or copy records, including redaction practices; the fees charged for copies of public records; the procedures for billing and payment; and the name or title and contact information of the public records request coordinator.

Authority: T.C.A. § 10-7-503. **Administrative History:** Original rules filed January 3, 2019; to have become effective April 3, 2019. However, the Government Operations Committee filed a 60-day stay of the effective date of the rules; new effective date June 2, 2019.

0240-07-01-.02 DEFINITIONS.

- (1) Records Custodian. The MTSU office(s) or employee(s) lawfully responsible for the direct custody and care of a public record.
- (2) Public Records. All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, electronic mail messages, films, sound recordings, or other material regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official University business and required to be open to inspection under the provisions of Tennessee law.
- (3) Public Records Request Coordinator (Coordinator). The individual (or designee) responsible for ensuring that public records requests are routed to the appropriate records custodian and that requests are fulfilled in accordance with the Public Records Act.
- (4) Requestor. A person seeking access to a public record, whether it is for inspection or duplication.

Authority: T.C.A. § 10-7-503. **Administrative History:** Original rules filed January 3, 2019; to have become effective April 3, 2019. However, the Government Operations Committee filed a 60-day stay of the effective date of the rules; new effective date June 2, 2019.

0240-07-01-.03 PROCEDURES TO ACCESS PUBLIC RECORDS.

- (1) Generally.
 - (a) Except for confidential records as prescribed by law, public records will be open for inspection by citizens of Tennessee during business hours which shall be the business hours of the University’s administrative offices.
 - (b) Requests for inspection only may be made orally and cannot be required to be made in writing. Requests for copies, or requests for inspection and copies, must be made in writing. The Request to Inspect or Copy Public Records form may be used, but a

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written request in any form or format will be acceptable. Requests may be made to the Coordinator

- (c) Persons requesting to inspect or copy records must show proof of Tennessee citizenship with a government-issued photo identification card including the person's address (i.e., driver's license, voter's registration, etc.).

(2) Public Records Request Coordinator.

- (a) MTSU will publish the name, telephone number, email address and office location of the Coordinator.
- (b) The Coordinator shall review public record requests and make an initial determination of the following:
 - 1. If the requestor provided evidence of Tennessee citizenship;
 - 2. If the records requested are described with sufficient specificity to identify them; and
 - 3. If MTSU is the custodian of the records.
- (c) The Coordinator shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - 1. Advise the requestor of determinations made regarding:
 - (i) Proof of Tennessee citizenship;
 - (ii) Form(s) required for copies;
 - (iii) Fees and charges, including labor and programming costs;
 - (iv) Aggregation of multiple or frequent requests.
 - 2. Provide the records.
 - 3. Deny the request in writing using the Public Records Request Response, which shall indicate the basis for the specific legal denial, including, but not limited to:
 - (i) The requestor 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;
 - (iv) The University is not the custodian of the requested records;
 - (v) The records do not exist.
 - 4. If appropriate, contact the requestor to see if the request can be narrowed or the scope of the request clarified.
 - 5. Forward the records request to the appropriate records custodian.

(Rule 0240-07-01-.03, continued)

6. If the Coordinator knows that the requested records are in the custody of a different governmental entity, advise the requestor of the correct governmental entity and the coordinator for that entity, if known.
- (3) The University is not required to sort through files to compile information, create records, or recreate records that do not exist.
- (4) Form or Format of Record to be Inspected/Copied. Actual records will be produced or used for viewing and/or copying. The nature of certain records and applicable confidentiality requirements, however, may result in providing the requested record/information in a form or format other than the original records form or format. In such cases, the records custodian may coordinate with the requestor to find an alternate form or means of providing access to the same desired record or information as available under the open records laws.
- (5) Redaction.
 - (a) With the exception of records which are confidential in their entirety (for example, student education records protected by FERPA), 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 the records for inspection or copies of the records.
 - (b) Whenever a redacted record is provided, the records custodian should provide the requestor with the basis for redaction. The basis given shall be general in nature and not disclose confidential information.
- (6) Inspection of Records. If the request is to inspect records, the records custodian will arrange a location for the requestor to do so and may, under reasonable circumstances, require an appointment for inspection. Inspection must be made in the presence of the records custodian. Custody of the original record is not to be relinquished.
- (7) Time Required to Produce Records. All efforts will be made to provide the records within a reasonable period of time. If the record cannot be produced within seven (7) business days (i.e., time is needed to determine if the records exist; additional time is needed to search for, retrieve, or otherwise gain access to records; or it will take additional time to redact confidential information from the record), the requestor shall be advised when the record(s) will be available using a Public Records Request Response. If the request will be denied, a Public Records Request Response must be sent within seven (7) business days.

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0240-07-01-.04 COPYING OF PUBLIC RECORDS.

- (1) The records custodian will make copies, or arrange for copies to be made, as well as determine copy fees and charges in the most economic and efficient manner practicable. An itemized estimate of the charges to be assessed for copies and labor should be provided to the requestor using the Request to Inspect or Copy Public Records form prior to producing the requested copies. Payment of fees and charges are to be made in advance. A requestor will be allowed to make copies of records with a camera or a cell phone if the number of pages to be copied is twenty-five (25) pages or less.
- (2) Copy Format

(Rule 0240-07-01-.04, continued)

- (a) Notwithstanding the form of the records, reproduction or copying of records shall be made in a form as best determined by the records custodian.
 - (b) Electronic data and documents will be produced in a read-only format.
 - (c) If the requested records exist electronically, but not in the format requested, or a new or modified computer program or application is necessary to put the records in a readable and reproducible format; or it is necessary to access backup files, the records custodian shall charge the requestor the actual costs incurred in producing the records in the format requested, or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format, or in accessing backup files.
 - (d) Records should be produced electronically whenever feasible as a means of utilizing the most cost effective method of producing records.
- (3) If a records custodian reasonably determines that 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 notify the requestor by using the Public Records Request Response form that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable.
- (4) If a records custodian discovers records responsive to a records request were omitted, the requestor should be contacted concerning the omission and the records produced as quickly as possible.
- (5) Copies will be available for pickup at a location specified by the records custodian. At the requestor's request, and upon payment of postage, copies will be mailed to the requestor via USPS first-class mail.
- (6) Fees and Charges.
- (a) No fees or charges may be imposed for inspection of records, even if copies of records were required to be made to allow for redaction of confidential information.
 - (b) An itemized estimate of the fees and charges should be provided to the requestor. Payment of this amount must occur prior to copies being made. Payment in full of the actual costs must be made prior to release of the requested copies. Both the estimated charges and the actual charges may be included on the Request to Inspect or Copy Public Records form.
 - (c) MTSU will publish the per page copy charges and a schedule of any other costs. Labor charges will be calculated and imposed as allowed by the Office of Open Records Counsel.
- (7) If the total amount of fees, labor/programming charges, and postage is less than twenty dollars (\$20.00), the cost will be waived.

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0240-07-01-.05 AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS.

- (1) MTSU will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the Office of Open Records Counsel 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.
- (2) The level at which records requests will be aggregated is by office.
- (3) The Coordinator is responsible for making the determination that a group of individuals are working in concert. The Coordinator or records custodian must inform the individuals of this determination and that they have the right to appeal the decision to the Office of Open Records Counsel.

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