

**RULES
OF
TENNESSEE TECHNOLOGICAL UNIVERSITY, COOKEVILLE**

**CHAPTER 0240-09-05
ACCESS TO PUBLIC RECORDS**

TABLE OF CONTENTS

0240-09-05-.01	Scope	0240-09-05-.05	Responding to Public Records Requests
0240-09-05-.02	Definitions	0240-09-05-.06	Redaction
0240-09-05-.03	General Policy Statement	0240-09-05-.07	Inspection of Records
0240-09-05-.04	Requesting Access to Public Records	0240-09-05-.08	Request for Copies of Records

0240-09-05-.01 SCOPE.

- (1) This rule does not apply to a student's request to see his/her own education records or to an employee's or former employee's reasonable requests to review or copy his/her own personnel file.
- (2) Proof of Tennessee citizenship for the purpose of access to public records is not proof of residency for the purpose of classifying students as in-state or out-of-state when assessing tuition and fees and for admission purposes.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.02 DEFINITIONS.

- (1) 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.
- (2) Public Records Request Coordinator ("Coordinator"): The designated individual who has the responsibility to ensure Public Record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.
- (3) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.
- (4) Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.03 GENERAL POLICY STATEMENT.

- (1) Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of Public Records as required by law.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.04 REQUESTING ACCESS TO PUBLIC RECORDS.

- (1) Public Records requests should be directed to the Coordinator or his/her designee in order to ensure Public Records requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- (2) Requestor may contact the Coordinator in person, by telephone, by email, or by mail.
- (3) Tennessee Tech will publish the name, telephone number, email address, and office location of the Coordinator on its website or similar publication.
- (4) Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- (5) Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- (6) No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.05 RESPONDING TO PUBLIC RECORDS REQUESTS.

- (1) The Coordinator shall, as necessary or appropriate:
 - (a) Request proof of Tennessee citizenship;
 - (b) Clarify the scope of the request;
 - (c) Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold allowed by its rule;
 - (d) Advise the Requestor that Tennessee Tech is not the custodian of the record;
 - (e) Provide the records;
 - (f) Deny the request in writing, providing the appropriate basis, such as one of the following:
 1. The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
 2. The request lacks specificity;
 3. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
 4. The records do not exist.
- (2) The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal basis for the denial of the request.

(Rule 0240-09-05-.05, continued)

- (3) The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.
- (4) If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- (5) A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- (6) 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 Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- (7) If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing 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 Coordinator may contact the Requestor to see if the request can be narrowed.
- (8) If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.06 REDACTION.

- (1) If a record contains confidential information that is not open for public inspection, the Coordinator, with assistance from the Records Custodian, shall redact the record prior to providing access.
- (2) Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.07 INSPECTION OF RECORDS.

- (1) Tennessee Tech will not charge for inspection of Public Records.
- (2) Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- (3) The Coordinator may require an appointment for the inspection.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.

0240-09-05-.08 REQUEST FOR COPIES OF RECORDS.

- (1) The Coordinator will respond to a Public Records request for copies in the most economic and efficient manner practicable.

(Rule 0240-09-05-.08, continued)

- (2) Copies will be available for pickup at a location specified by the Coordinator.
- (3) Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- (4) The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require prepayment of such charges before producing requested records.
- (5) If fees for copies and labor do not exceed twenty-five dollars (\$25), Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- (6) A requestor may use a personal cellphone to take pictures of records when the total amount of pages to be photographed does not exceed twenty-five (25) pages.
- (7) Tennessee Tech will not waive fees associated with aggregated records requests.
- (8) A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech Business Office.
- (9) Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests 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.
- (10) If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

Authority: T.C.A. §§ 10-7-503(g)(2) and 49-8-203(a)(4). **Administrative History:** Original rules filed April 28, 2020; effective July 27, 2020.