

**RULES
OF
THE TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
OFFICE OF GENERAL COUNSEL**

**CHAPTER 0250-06-01
ACCESS TO PUBLIC RECORDS OF THE
DEPARTMENT OF CHILDREN'S SERVICES**

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0250-06-01-.01 PURPOSE AND APPLICATION.

The purpose of these rules is to establish procedures governing public records requests received by the Tennessee Department of Children's Services ("DCS") that are subject to the Tennessee Public Records Act ("TPRA"), T.C.A. §§ 10-7-501 et seq., and to establish fees to be charged for reproduction of records or for the development of records in a specific format.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen.* 01-021 (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.02 DEFINITIONS.

- (1) "Commissioner" means the executive officer in charge of DCS.
- (2) "Commissioner's Designee" means any DCS employee directed by the Commissioner to perform a task in the Commissioner's name.
- (3) "Non-Routine Copy" means a copy, whether of paper or of electronically stored data, which requires more than minimal staff assistance, e.g., odd or oversize pages, bound documents, or electronically stored data requiring manipulation.
- (4) "Office of Open Records Counsel" (OORC) means the office of the Tennessee Comptroller of the Treasury that serves citizens, media, and government entities as a resource for issues concerning Tennessee's public record laws.
- (5) "Public Records" are all documents, 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 DCS.
- (6) "Public Records Request Coordinator" (PRRC) is the DCS employee whose role it is to ensure that public records requests are routed to the appropriate records custodian and that requests are fulfilled in accordance with Tennessee Public Records Act and these rules. The PRRC may also be a records custodian.

(Rule 0250-06-01-.02, continued)

- (7) "Records Custodian" is an employee of DCS responsible for the direct custody and care of public records. The Records Custodian is not necessarily the original preparer or receiver of the record(s).
- (8) "Requester" means a person seeking access to a public record, whether it is for inspection or duplication.
- (9) "Tennessee Public Records Act" is the statutes codified at T.C.A. §§ 10-7-501, et. seq.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.03 ACCESS TO PUBLIC RECORDS.

- (1) DCS public records shall, at all times during normal and customary business hours designated by DCS, 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 refusal is provided for by state or federal law.
- (2) DCS staff shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of these rules shall be used to hinder access to open public records. The integrity and organization of public records, as well as the efficient and safe operation of DCS, and those it supports, shall be protected as provided by law.
- (3) All public records requests shall be managed by DCS's Office of General Counsel and handled in accordance with applicable federal and state confidentiality laws.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.04 REQUESTING ACCESS TO PUBLIC RECORDS.

Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee to ensure that public records requests are routed to the appropriate records custodian and timely addressed.

- (1) A request to view public records may be made to the PRRC by sending a request on the required form as set forth in Rule 0250-06-01-.11 by email to: DCS.Public_Records_Request@tn.gov or by mail to the address provided below or an updated address as publicly provided:

Tennessee Department of Children's Services
Public Records Request Coordinator
UBS Tower, 315 Deaderick Street, 7th Floor
Nashville, TN 37243

- (2) A request for copies, or requests for inspection and copies, shall be made to the PRRC by sending a written request via email or mail as provided above, 0250-06-01-.04(1).

(Rule 0250-06-01-.04, continued)

- (3) Requests for access to public records, whether for inspection or copying, shall include the requester's contact information.
- (4) Proof of Tennessee citizenship is required as a condition of inspecting or receiving DCS public records and may be proven by presentation of a valid, government-issued photo identification showing address. Should the requester not possess photo identification, the PRRC may require other forms of identification proving Tennessee residency.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.05 RESPONDING TO PUBLIC RECORDS REQUESTS.

- (1) The PRRC shall review public records requests and make an initial determination of the following:
 - (a) Whether the requester provided proof of Tennessee citizenship as described in Rule 0250-06-01-.04(4);
 - (b) Whether the request sufficiently describes the records sought; and
 - (c) Whether DCS is the custodian of the requested records.
- (2) The PRRC shall acknowledge receipt of a public records request and take one or more of the following actions, as appropriate:
 - (a) Advise the requester of these rules and requirements regarding:
 - 1. Evidence of Tennessee citizenship as set forth in 0250-06-01-.04(4);
 - 2. The form required to request copies as set forth in Rule 0250-06-01-.11;
 - 3. Fees as set forth in Rule 0250-06-01-.09; and
 - 4. Aggregation of multiple or frequent requests as set forth in Rule 0250-06-01-.10.
 - (b) Contact the requester to see if the request can be narrowed.
 - (c) Forward the records request to the appropriate DCS records custodian.
 - (d) Promptly make requested public records not specifically exempt from disclosure available. If it is not practicable for the requested public records to be made promptly available, the PRRC shall notify the requester in writing, within seven (7) business days from receipt of the request, indicating the reason for the delay and a reasonable estimate of the time necessary to respond to the request. Additional time may be necessary to determine whether the requested records exist; search for, retrieve, or gain access to records; determine whether the records are protected from disclosure; redact records; or other similar reasons; and
 - (e) Deny the request in writing within seven (7) business days of receipt, providing the basis for the denial, such as one or more of the following:

(Rule 0250-06-01-.05, continued)

1. The requester has not presented evidence of Tennessee citizenship;
2. The request lacks specificity;
3. A specified exemption, or state or federal law exempts the record from disclosure under the TPRA;
4. DCS is not the custodian of the requested records; or
5. The records do not exist.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.06 REDACTION.

- (1) Certain DCS records are confidential in whole and may not be released with redaction. If a DCS record may be released with redaction, the records custodian shall prepare a redacted copy prior to providing access or copies of the requested records. If questions arise concerning redaction, the records custodian shall coordinate with the PRRC or DCS Office of General Counsel regarding review and redaction of records.
- (2) Whenever a redacted record is provided, a records custodian should provide the requester with the basis for redaction. The basis for redaction shall be general in nature and not disclose confidential information.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.07 INSPECTION OF RECORDS.

- (1) There shall be no charge for inspection of public records.
- (2) The location for inspection of public records shall be determined by the PRRC or the records custodian.
- (3) The PRRC or a records custodian may require an appointment for inspection.
- (4) During the inspection, the requester shall have the right to make copies and take photographs or photostats of complete or partial records. However, DCS will not certify the accuracy of copies, photographs, or photostats made with the requester's personal equipment, such as a printer, a cell phone, or a copying machine.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed September 19, 2006; effective December 3, 2006. Amendments filed May 27, 2025; effective August 25, 2025.

0250-06-01-.08 COPIES OF RECORDS.

- (1) The PRRC shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- (2) Copies will be available for pickup at a location specified by the PRRC or records custodian.
- (3) Upon request and payment of estimated postage charges and fees for copies and labor pursuant to Tenn. Comp. R. & Regs. 0250-06-01-.09, copies will be mailed to the address provided by requester via U.S. Mail. Upon request and payment of fees for copies and labor pursuant to Tenn. Comp. R. & Regs. 0250-06-01-.09, copies may also be emailed to the requester. If electronic copies are provided on a flash drive or other storage device, the requester may be charged DCS's cost for such device.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** New rule filed May 27, 2025; effective August 25, 2025.

0250-06-01-.09 FEES AND CHARGES.

- (1) DCS charges only reasonable fees and charges for public records in order to facilitate reasonable access to public records; these fees are consistent with the Schedule of Reasonable Charges published by the OORC.
- (2) The PRRC shall provide requester with a good faith estimate of the fees and charges prior to producing the requested records.
- (3) When fees and charges for copies and labor do not exceed fifty dollars (\$50.00), the fees and charges may be waived at the discretion of the PRRC. When fees and charges for copies and labor exceed fifty dollars (\$50.00), the fees may be waived at the discretion of the PRRC upon written request to the PRRC. Fees associated with aggregated records requests will not be waived.
- (4) Fees and charges for copies and labor are as follows:
 - (a) Fifteen cents (\$0.15) per page for letter and legal size black and white copies. Size is to be determined by the Department.
 - (b) Fifty cents (\$0.50) per page for letter and legal size color copies. Size to be determined by DCS.
 - (c) Labor charges, when time exceeds one (1) hour for time reasonably necessary to produce requested records, including time spent locating, retrieving, reviewing, reproducing, redacting, or scanning records, will vary depending on the hourly rates of the employee(s) doing the work, and may include the reasonably necessary time of an attorney.
 - (d) No duplication costs will be charged for ten (10) or fewer pages of records. No duplication costs will be charged for records provided electronically except when paper copies that did not already exist are required to be created in responding to the request, such as when a record must be printed to be redacted.
 - (e) Payment is to be made by check or money order payable to Department of Children's Services and mailed or hand-delivered to Department of Children's Services, ATTN:

(Rule 0250-06-01-.09, continued)

Accounts Receivable at 315 Deaderick St., UBS Tower 12th Floor, Nashville, TN 37243 or to an updated address as publicly provided.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** New rule filed May 27, 2025; effective August 25, 2025.

0250-06-01-.10 AGGREGATION OF FREQUENT AND MULTIPLE REQUESTS.

- (1) Requests for any DCS records may be aggregated.
- (2) DCS will aggregate records requests in accordance with the "Reasonable Charges for Frequent and Multiple Requests" policy found on the OORC website, when four (4) or more requests are received within a calendar month, either from a single individual or a group of individuals deemed to be working in concert. The PRRC is responsible for making the determination that a group of individuals is 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.
- (3) When the aggregation threshold is reached, the exemption for labor charges up to one (1) hour specified in rule 0250-06-01-.09(4)(c) above does not apply to subsequent requests.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** New rule filed May 27, 2025; effective August 25, 2025.

0250-06-01-.11 PUBLIC RECORDS REQUEST FORM.

A Public Records Request form is required when submitting requests for public records to the PRRC and is publicly available on the DCS website.

Authority: T.C.A. §§ 4-5-201, et seq., 10-7-503, 10-7-506, and 37-5-112; *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); *Wells v. Wharton*, 2005 Tenn. App. Lexis 762; and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** New rule filed May 27, 2025; effective August 25, 2025.