

**RULES
OF
THE TENNESSEE DEPARTMENT OF TREASURY
ADMINISTRATION**

**CHAPTER 1700-07-01
ACCESS TO PUBLIC RECORDS OF THE DEPARTMENT OF TREASURY**

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1700-07-01-.01 PURPOSE AND SCOPE.

- (1) The purpose of these rules is to provide procedures to allow access to records of the Tennessee Department of Treasury that are subject to the Tennessee Public Records Act, T.C.A. §§ 10-7-501 et seq., and are promulgated for the additional purpose of implementing and establishing fees to be charged for reproduction of records or for the development of records in a specific format.
- (2) These rules apply to all public records of all divisions, boards, councils and the like within or attached to the Department of Treasury.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.

1700-07-01-.02 REQUESTS FOR ACCESS TO RECORDS.

- (1) Processing of Requests to View Public Records.
 - (a) An in-person request for access to public records shall be made during the regular business hours of the Department from 8:00 AM to 4:30 PM, Monday through Friday, except for holidays.
 - (b) All requests for access to public records of the Department made in-person, or by any other means, shall be directed to the Records Custodian, Tennessee Department of Treasury, 502 Deaderick Street, 10th Floor, Andrew Jackson State Office Building, Nashville, Tennessee 37243.
 - (c) All requests for access to the Department's public records shall identify with reasonable specificity the record, set or system of records which is requested.
 - (d) Requests will be processed on a first-come, first-served basis; provided, that the State Treasurer, or the Treasurer's designee, may at any time alter this provision when circumstances warrant.
- (2) Prior Review and Assessment for Confidential, Privileged or Protected Material.
 - (a) Review, Assessment and Redaction for Access to Records.
 1. Before providing access to the requested record, Department staff shall review the requested record or records as quickly as reasonably possible, consistent

(Rule 1700-07-01-.02, continued)

- with the availability of appropriate staff and with regard to the scope of the records request, and make an assessment of the status of the records, the scope of the requested access, and the time required for a response.
2. Upon review, Department staff will redact any data or information prior to release of the record, or portion of the record, that it determines has, or may have, confidential, privileged or otherwise protected material in the record that is subject to the Tennessee Public Records Act.
- (b) If the Department determines that none of the provisions of subparagraph (c) below apply and access can otherwise be provided immediately, it shall do so.
- (c) If it appears from the Department's review and assessment that access to the record, or the system of records, cannot be provided immediately because:
1. Additional time is required to locate and retrieve the records because the records are not stored on the site or cannot be located;
 2. The record or records require redaction of confidential, privileged or otherwise protected material;
 3. The record is subject to current use as part of an on-going investigation and cannot be provided without interrupting or jeopardizing the investigation and/or its timeliness;
 4. A computer or computer system that contains the record is unable to be accessed, is undergoing maintenance or re-programming for any Departmental program purposes, and/or cannot be accessed without substantially interfering with the delivery of services to the public or without damage to the integrity, operability or functioning of any computer or computer system;
 5. Production of the record or records will require development of a program or application to provide access to, or a readable format for access to, electronic or magnetic sources of the record or records; or
 6. For any other reason, then the Department shall inform the requesting person of the assessment and the reasonable approximate time required in complying with the request and a summary of the basis for the assessment regarding access to the records.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Att. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.

1700-07-01-.03 REQUEST FOR REPRODUCTION OF RECORDS.

- (1) Processing of Requests for Copies of Public Records.
- (a) An in-person request for copies of public records of the Department shall be made during the regular business hours of the Department from 8:00 AM to 4:30 PM, Monday through Friday, except for holidays.
 - (b) All requests for copies of public records of the Department made in-person, or by any other means, shall be directed to the Records Custodian, Tennessee Treasury Department, 502 Deaderick Street, 10th Floor, Andrew Jackson State Office Building, Nashville, Tennessee 37243.

(Rule 1700-07-01-.03, continued)

- (c) All requests for copies of the Department's public records must be made in writing to the Records Custodian of the Tennessee Department of Treasury, and shall identify with reasonable specificity the record, set or system of records which is requested.
 - (d) Records requests will be processed on a first-come, first-served basis; provided, that the State Treasurer, or the Treasurer's designee, may at any time alter this provision when circumstances warrant.
- (2) Prior Review and Assessment for Confidential, Privileged or Protected Material.
 - (a) Review, Assessment and Redaction of Records for Copy Request.
 - 1. Before reproducing copies of the requested record, the Department's staff shall review as quickly as reasonably possible the requested records consistent with the availability of appropriate staff and with regard to the scope of the records request, and make an assessment of the status and scope of the copy request and the time and costs required to locate, retrieve, review, redact, and reproduce the records.
 - 2. Upon review, Department staff will redact any data or information prior to release of the record, or portion of the record, that it determines has, or may have, confidential, privileged or otherwise protected material in the record that is subject to the Tennessee Public Records Act.
 - (b) If the Department determines that none of the provisions of subparagraph (c) apply and copies can otherwise be provided immediately, it shall do so.
 - (c) If it appears from the Department's assessment that reproduction of the record, or the system of records, cannot be provided immediately because:
 - 1. Additional time is required to locate and retrieve the records because the records are not stored on the site or cannot be located;
 - 2. The record or records require redaction of confidential, privileged or otherwise protected material;
 - 3. The record is subject to current use as part of an on-going investigation and cannot be provided without interrupting or jeopardizing the investigation and/or timeliness;
 - 4. A computer or computer system that contains the record is unable to be accessed, is undergoing maintenance or re-programming for any Departmental program purposes, and/or cannot be reproduced without substantially interfering with the delivery of services to the public or without damage to the integrity, operability or functioning of any computer or computer system;
 - 5. Reproduction of the record or records will require development of a program or application to provide copies, in a readable format from, electronic or magnetic sources of the record or records, or that the person or entity has requested copies of the record in a specific format, and that such program, application or format does not currently exist; or
 - 6. For any other reason, then the Department shall inform the requesting person of the assessment and the reasonable approximate time required and costs

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involved in complying with the request and a summary of the basis for the assessment regarding the costs of reproducing the records.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.

1700-07-01-.04 FEES AND COSTS FOR REPRODUCTION OF RECORDS. Upon a request for records under Tennessee's Public Records Act, T.C.A. § 10-7-501 et seq., the Department shall assess charges for the copying and labor based on the most current version of the Schedule of Reasonable Charges, issued by the Office of Open Records Counsel, available at <http://www.comptroller.state.tn.us/openrecords/index.htm>.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.

1700-07-01-05 PAYMENT FOR RECORDS.

- (1) Prior to copies being made, or prior to developing a specific format for the reproduction of records, payment in full must be made to the Department, unless the payment is waived pursuant to Rule 1700-07-01-.06 below.
- (2) Payment for the costs of reproducing records shall be made only by cashier's check, money order, or other reliable means as determined by the Department.
- (3) The cashier's check or money order shall be made payable to the Treasurer, State of Tennessee, and delivered to the Records Custodian.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.

1700-07-01-.06 WAIVER OF FEES. Should any charge assessed under these rules total ten dollars (\$10.00) or less, the Department may waive the charge and provide the requested documents without payment. In addition, the State Treasurer or the Treasurer's designee, may, in his or her sole discretion, provide copies of rules, policies, guidance documents, public reports, etc., without charge:

- (1) for general public information or announcement purposes to applicants for, or recipients of, services from the Department's programs, or to provide information to such persons or their representatives in response to case-specific situations;
- (2) to legislative, judicial or administrative bodies or tribunals as part of providing general or specific information or clarification regarding the Department's programs or activities or in response to a case-specific request relative to applicants for, or recipients of, services from the Department or its employees, or for any other purpose;
- (3) to other state, county or local agencies, their investigative, administrative, enforcement, regulatory, audit or law enforcement agencies, or for any other purpose;
- (4) to advocacy groups, as determined by the Department, for persons served by the Department, to provide information or clarification, regarding Department programs or activities involving the Department's programs and policies;
- (5) to federal law enforcement, audit, program, administrative or regulatory agencies, or for any other purpose, or

(Rule 1700-07-01-.06, continued)

- (6) if necessary to comply with any provisions of federal or state laws, court orders, regulations or policy directives.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.

1700-07-01-.07 REDUCTION OF FEES. The Treasurer, or the Treasurer's designee, may waive or reduce any part of the fees calculated under these rules upon a written determination that such waiver or reduction would be in the best interests of the public.

Authority: T.C.A. §§ 4-3-2401; 10-7-503 and 10-7-506; *Tennessee Electric Power Board of Nashville*, 979 S.W.2d 297 (Tenn. 1998); and *Op. Tenn. Atty. Gen. 01-021* (Feb. 8, 2001). **Administrative History:** Original rule filed October 1, 2010; effective March 31, 2011.