



## **PUBLIC RECORDS REQUEST PROCEDURE (COM-P005)**

Clarksville-Montgomery County School System

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### **1.0 SCOPE:**

- 1.1 This procedure describes the process for Requestors to request to inspect and/or copy Clarksville-Montgomery County School System (CMCSS) public records.

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

### **2.0 RESPONSIBILITY:**

- 2.1 Chief Communications Officer (CCO)

### **3.0 APPROVAL AUTHORITY:**

- 3.1 CCO
- 3.2 General Counsel

### **4.0 DEFINITIONS:**

- 4.1 Records Custodian: The office, official, or employee responsible for the direct care and custody and care of a public record.
- 4.2 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 in connection with the transaction the official business of CMCSS.
- 4.3 Public records do not include the device or equipment, i.e., cell phone, computer or other electronic device/equipment, which may have been used to create or store a public record.
- 4.4 Public Records Request Coordinator: The individual(s) designated in Section 5.2 of this Procedure who has the responsibility to ensure public records requests are routed to the appropriate records custodian and are fulfilled in accordance with CMCSS policy and Tennessee law. The Public Records Request Coordinator (PRRC) may also be a records custodian.
- 4.5 Requestor: A Tennessee citizen who submits a valid public records request consistent with Tennessee law and this policy.
- 4.6 Confidential record: Any record, or part of a record, defined by the Tennessee Public Records Act or other state or federal law, as being exempt from public inspection or duplication.
- 4.7 Labor: Labor is the time (in hours) reasonably necessary to produce the requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.

### **5.0 PROCEDURE:**

#### **5.1 Requesting Access to Public Records**



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- 5.1.1 Public record requests shall be made to the Public Records Request Coordinator (PRRC) or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
  - 5.1.2 The designated PRRC is:  
Chief Communications Officer or his/her designee  
621 Gracey Avenue, Clarksville, Tennessee 37040  
931-648-5600 or [questions@cmcss.net](mailto:questions@cmcss.net)
  - 5.1.3 Requests for inspection of public records may be made orally or in writing by contacting the PRRC at 621 Gracey Avenue, Clarksville, Tennessee, [questions@cmcss.net](mailto:questions@cmcss.net), or by telephone at 931-648-5600.
  - 5.1.4 Requests for copies, or requests for inspection and copies, may be made in writing by contacting the PRRC at 621 Gracey Avenue, Clarksville, Tennessee, [questions@cmcss.net](mailto:questions@cmcss.net), or by telephone at 931-648-5600.
  - 5.1.5 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.
- 5.2 Responding to Public Record Requests
- 5.2.1 The PRRC shall review public record requests and make an initial determination of whether CMCSS is the custodian of the requested records.
    - 5.2.1.1 If so, the PRRC promptly will forward the public records request to the appropriate records custodian. The PRRC shall acknowledge receipt of the request to the Requestor and advise that the request was forwarded to the records custodian.
    - 5.2.1.2 If not, the PRRC shall deny the request in writing on the response form (COM-F015) indicating that CMCSS is not the custodian of the records.
  - 5.2.2 If the records request was for copies, the records custodian promptly shall provide the Requestor with a cost estimate.
  - 5.2.3 The records custodian shall take any of the following appropriate action(s) upon reviewing the public records request within seven (7) business days from the records custodian's receipt of the request and these actions shall be documented:
    - a. Based upon the request, either make the requested public records available via inspection or by providing copies.
    - 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;



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- ii. The request lacks specificity;
  - iii. An exemption makes the record not subject to disclosure under Tennessee law (provide the exemption in written denial);
  - iv. The estimated copying/production fees have not been paid.
  - v. CMCSS is not the custodian of the requested records; or
  - vi. The records do not exist.
- c. If it is not practicable to provide promptly the requested records because additional time is necessary to determine whether the requested records exist or the office is still in the process of searching for, retrieving, or otherwise gaining access to the records (i.e., redacting the requested records), or for other similar reasons, then a records custodian shall advise the Requestor of such response. The records custodian shall also give an estimated time period of how long it will take to complete the request.
- 5.2.4 If the records custodian is uncertain whether an exemption applies, the custodian may consult with the PRRC, legal counsel, or the Office of Open Records Counsel.
- 5.2.5 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 regarding the redaction, the records custodian should coordinate with legal counsel or other appropriate CMCSS representatives regarding review and redaction of records.
- 5.2.5.1 Whenever a redacted record is provided, a records custodian should provide the Requestor with the basis for the redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

### **5.3 Inspection of Records**

- 5.3.1 There shall be no charge for inspection of open public records. The location for inspection of records within CMCSS offices shall be determined by the PRRC or appropriate records custodian. The PRRC or a records custodian may require an appointment for inspection.

### **5.4 Copies of Records**

- 5.4.1 A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- 5.4.2 Copies will be available for pickup at a location specified by the records custodian.



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5.4.3 Upon payment for postage, copies will be delivered to the Requestor's home address by the U.S. Postal Service.

5.4.4 A requestor will not be allowed to make copies of public records with personal equipment.

### **5.5 Fees, Charges, and Procedures for Billing and Payment**

5.5.1 The records custodian shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

5.5.2 When fees for copies and labor do not exceed \$7.00, the fees may be waived. Requests for waivers for fees above \$7.00 must be presented to the PRRC who is authorized to determine if such waiver is in the best interest of CMCSS and for the public good.

5.5.3 Fees and charges for copies are as follows:

5.5.3.1 \$0.15 per page for letter and legal size black and white copies.

5.5.3.2 \$0.50 per page for letter and legal size color copies.

5.5.3.3 Labor of CMCSS employee when time exceeds 1 hour. Labor costs are based upon the base hourly wage of the employee and does not include benefits.

5.5.3.4 If CMCSS has agreed to deliver the copies of records through electronic means, the records custodian will charge the out-of-pocket costs for flash drives on which electronic copies are provided. To ensure the security and integrity of CMCSS' systems network, Requestors are not permitted to provide their own flash drives for use.

5.5.3.5 When providing electronic records, the records custodian may charge a per-page cost only when paper copies that did not already exist are required to be produced in responding to the request, such as when a record must be printed to be redacted.

5.5.3.6 Payment in advance shall be required when the cost estimate exceeds \$50.00.

5.5.3.7 Requestors shall make payment in cash or personal check/cashier's check made payable to CMCSS and present payment to the records custodian.

### **6.0 ASSOCIATED DOCUMENTS:**



**PUBLIC RECORDS REQUEST PROCEDURE  
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6.1 Public Records Request Policy ([COM-A004](#))

6.2 Public Records Request Form ([COM-F001](#))

6.3 Public Records Response Form ([COM-F015](#))

**7.0 RECORD RETENTION TABLE:**

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Request Form	Communications Office	1 year	Recycle	Secure building
Response Form	Communications Office	1 year	Recycle	Secure building
Estimate	Communications Office	1 year	Recycle	Secure building
Receipt	Communications Office	1 year	Recycle	Secure building

**8.0 REVISION HISTORY:**

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
6/26/17		Initial Release
5/22/19	A	Added clarification on ways to submit a PRR. 5.2.1.2, replaced COM-P005 with COM-F015. Updated 3.2 job title.

**\*\*\* End of Procedure \*\*\***