THE ART, CULTURE AND TOURISM AUTHORITY
OF THE CITY OF CLARKSVILLE, TENNESSEE
PUBLIC RECORDS POLICY

Pursuant to Tennessee Code Annotated § 10-7-503(g), the following Public Records Policy for The Art, Culture and Tourism Authority of the City of Clarksville, Tennessee (the "Authority"), a Tennessee governmental entity created pursuant to the provisions of the Tourism Development Authority Act, Tennessee Code Annotated Section 7-69-101, et seq., is hereby adopted by the Authority's Board of Directors to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, *et seq*.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, 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 otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Authority are presumed to be open for inspection unless otherwise provided by law.

Some records maintained by the Authority may be confidential records and are not open for public inspection. Some records maintained by the Authority may not be subject to inspection because of federal laws and/or regulations that supersede State law as to the public inspection of records.

The Authority personnel shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Authority, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Authority or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is posted online at https://www.clarksvilletn.gov/1326/ACT-Authority. This Policy shall be reviewed annually.

I. Definitions:

A. *Records Custodian*: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The Records Custodian is not necessarily the original preparer or receiver of the record.

B. *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. See Tenn. Code Ann. § 10-7-503(a)(1)(A).

C. *Public Records Request Coordinator*: The individual, or individuals, designated in Section III, A.4 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a Records Custodian.

D. *Requestor*: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

A. 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.

B. Requests for inspection only may be made in person by appointment, by phone, in writing or email. Requests for copies, whether they be physical or digital, or requests for inspection and copies, must be made in writing or by email using the Public Records Request Form. To make a request other than in person:

- By Phone: Call 931-553-2475
- Website: Complete Public Records Request Form on-line:

  https://www.clarksvilletn.gov/1326/ACT-Authority

  In Writing: Mail a complete Public Records Request Form to:

  Public Records Request Coordinator
  Zachary Johnston, City of Clarksville
  for the Tourism Development Authority
  1 Public Square, 4th Floor
  Clarksville, TN 37043

- By Email: Email a completed Public Records Request form to:
  Zachary.johnston@cityofclarksville.com

C. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect or receive copies of public records. If a request for inspection or copies is made by phone, a copy of the requestor's driver's license must be provided before the documents are produced. If the request is made in writing, a copy of the requestor's driver's license should be submitted with the request. If the request is made by email, a scanned copy of the driver's license should be included in the email. Any requestor submitting a driver's license with a written request or by email waives his or her right to the confidentiality of any information on such driver's license.

D. Several frequently requested records are posted and readily available on the Authority's website at https://www.clarksvilletn.gov/1326/ACT-Authority, including information about the ACT Authority Board and policies.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:

   a. If the requestor provided evidence of Tennessee citizenship;

   b. If the records requested are described with sufficient specificity to identify them; and

   c. If the Authority is the custodian of the records.

2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

   a. Advise the requestor of this Policy and inform the requestor of any of the following to the extent applicable:

i. That proof of Tennessee citizenship is required;

ii. Form(s) required for copies;

iii. Then current fees for copies; and

iv. The Authority's policy regarding aggregation of multiple or frequent requests.

b. If appropriate, deny the request in writing, providing the appropriate grounds such as one of the following:

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 under the TPRA (the Authority will provide the exemption in its written denial) or that the requested information cannot be provided due to a federal law or regulation that supersedes the State's open records laws.

iv. The Authority is not the custodian of the requested records.

v. The records do not exist.

c. If appropriate, contact the requestor to see if the request can be narrowed.

d. Forward the records request to the appropriate the Authority Records Custodian.

e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity (without investigation), advise the requestor of the correct governmental entity and PRRC for that entity if known.

3. The PRRC shall report to the Board of Directors on an annual basis about the Authority's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

4. The designated PRRC is the City of Clarksville's Public Records Custodian, Zachary Johnston. The contact information for the PRRC is set forth above relating to the submission of requests.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

2. 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 a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form, based on the form developed by the OORC.

3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.

4. If a records custodian reasonably determines 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 use the Public Records Request Response Form to notify the requestor 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 records custodian should contact the requestor to see if the request can be narrowed.

5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. 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 reasonably practicable unless federal law or regulation does not permit disclosing the redacted document. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records.

2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

A. There shall be no charge for inspection of open public records.

B. The location for inspection of records within the offices of the Authority will be determined by either the PRRC or the records custodian.

C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service or other means of delivery as deemed necessary.

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

V. Fees and Charges and Procedures for Billing and Payment

A. No charges will be assessed for copies and duplicates unless the total cost of copies and labor exceeds $2.00.

B. The PRRC or records custodians shall provide requestors with an itemized estimate of the charges on the Public Records Request Estimated Cost Form prior to producing copies of records and may require prepayment of such charges before producing requested records.

C. When fees for copies and labor do not exceed $10, the fees may be waived. Requests for waivers for fees above $10 must be presented to the Secretary/Treasurer of the Board of Directors, who is authorized to determine if such waiver is in the best interest of the Authority and for the public good. Fees associated with aggregated records requests will not be waived.

Fees and charges for copies are as follows:

1. $0.15 per page for letter- and legal-size black and white copies.

2. $0.50 per page for letter- and legal-size color copies.

3. Actual production cost for oversized paper, flash drive, CD or other item used to produce copies. For security purposes, records custodians may decline to accept or use electronic storage devices (flash drives, memory cards, etc.) provided by requestors.

4. Labor for time exceeding 1 hour.

5. If an outside vendor is used, the actual costs assessed by the vendor.

6. To the extent permitted by state law, the Authority will charge a reasonable fee for the reproduction of any public record of the Authority that has commercial value.

D. No duplication costs will be charged for requests for less than 5 pages.

E. Payment may be made in cash or by check payable to the Authority. Copies of records will not be released until payment is received.

F. Payment in advance will be required when costs are estimated to exceed $10.

G. Aggregation of Frequent and Multiple Requests.

1. The Authority will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC 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 PRRC is responsible for making the determination that a group of individuals are 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.

PUBLIC RECORDS REQUEST FORM
THE ART, CULTURE AND TOURISM AUTHORITY
OF THE CITY OF CLARKSVILLE, TENNESSEE

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Public Records Request Coordinator
The Art, Culture and Tourism Authority of the City of Clarksville, Tennessee
Zachary Johnston, City of Clarksville
1 Public Square, 4th floor
Clarksville, TN 37043

From: _____
Requestor's Full Name Address Phone Number
(Please include an address for any TPRA required written response)

Is the requestor a Tennessee citizen? ☐ Yes ☐ No

Request: ☐ Inspection (The TPRA does not permit fees or require a written request for inspection only.)

☐ Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed $_____? If so, initial here: _____.

Delivery preference: ☐ On-Site Pick-Up ☐ USPS First-Class Mail
☐ Electronic* ☐ Other: _____

**Please note: The TPRA does not require records custodians to deliver records electronically. In fact, the record custodian customarily does not deliver a record electronically unless that delivery method would take a minimal amount of time.*

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

_____ _____
Signature of Requestor and Date Submitted Signature of Public Records Request Coordinator and Date Received

PUBLIC RECORDS REQUEST RESPONSE FORM

The Art, Culture and Tourism Authority of the City of Clarksville, Tennessee
1 Public Square, 4th Floor
Clarksville, TN 37043

[Date]

[Requestor's Name and Contact Information]:

In response to your records request received on [Date Request Received], our office is taking the action(s)[1] indicated below:

☐ The public record(s) responsive to your request will be made available for inspection:
Location: _____
Date & Time: _____

☐ Copies of public record(s) responsive to your request are:
- ☐ Attached;
- ☐ Available for pickup at the following location: _____ ; or
- ☐ Being delivered via: ☐ USPS First-Class Mail ☐ Electronically ☐ Other: _____.

☐ Your request is denied on the following grounds:
- ☐ Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
- ☐ No such record(s) exists or this office does not maintain record(s) responsive to your request.
- ☐ No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
- ☐ You are not a Tennessee citizen.
- ☐ You have not paid the estimated copying/production fees.
- ☐ The following state, federal, or other applicable law prohibits disclosure of the requested records: _____.

☐ It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:
- ☐ It has not yet been determined that records responsive to your request exist; or
- ☐ The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact the Public Records Request Coordinator.

Sincerely,

Public Record Request Coordinator

[1] If all requested records do not have the same response, so indicate.

PUBLIC RECORDS REQUEST ESTIMATED COSTS FORM

The Art, Culture and Tourism Authority of the City of Clarksville, Tennessee
1 Public Square, 4th Floor
Clarksville, TN 37043

[Date]

[Requestor's Name and Contact Information]:

When the Authority is asked to reproduce its records, the actual cost to reproduce the requested public records will be charged to the requesting party. The reproduction charge will include the Authority's cost to copy the records and the labor cost to research and retrieve the information. The minimum copy charge for record reproduction is in accordance with the State of Tennessee Office Of Open Records Counsel's Schedule of Reasonable Charges, Tenn. Code Ann. § 8-4-604. Requests requiring more than two hours to fulfill will be charged an hourly labor cost to provide the information requested.

Fees and charges are as follows:

1. $0.15 per page for letter and legal size black and white copies
2. $0.50 per page for letter and legal size color copies
3. Actual production cost for oversized paper, flash drive, cd or other item used to produce copies
4. Labor when it exceeds 1 hour
5. If an outside vendor is used, the actual costs assessed by the vendor

In response to your records request received on [Date Request Received], we have estimated the following costs for copies and/or labor:

Copies: _____

Labor: _____

Total: _____

If you have any questions regarding your cost estimate, please contact the Public Records Request Coordinator.

Sincerely,

Public Record Request Coordinator