PUBLIC RECORDS POLICY
for the
OFFICES OF THE CIRCUIT COURT CLERK
DAVIDSON COUNTY, TENNESSEE

Pursuant to T.C.A. §10-7-503(g), the following Public Records Policy for the **Offices of the Circuit Court Clerk** is hereby adopted by the Circuit Court Clerk to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("***TPRA***") in T.C.A. §10-7-501, et seq.

The ***TPRA*** provides that all state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, 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 T.C.A. §10-7-503(a)(2)(A). Accordingly, the public records of the **Offices of the Circuit Court Clerk** are presumed to be open for inspection unless otherwise provided by law.

Personnel of the **Offices of the Circuit Court Clerk** 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 **Offices of the Circuit Court Clerk** shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the **Offices of the Circuit Court Clerk** or to the Tennessee Office of Open Records Counsel ("***OORC***").

Routine public record requests for documents filed within the ordinary course of business may be requested directly to the Department and fulfilled immediately without going through the process described in this policy. This policy is posted online at circuitclerk.nashville.gov and a copy may be requested at any of the **Offices of the Circuit Court Clerk**. Each Department shall have the responsibility to:

1) Preserve the confidentiality of a public record or information in a public record that is confidential under the Tennessee Public Records Act (T.C.A. §10-7-504 et seq., as the same may be hereafter amended), or other law.
2) Protect public records from damage or disorganization.
3) Make public records not exempt from disclosure and in the Department's custody available for inspection during normal business hours unless a state law provides otherwise.

I. Definitions:

A. *Offices of the Circuit Court Clerk*: Circuit Court Clerk's Office, Probate Court Clerk's Office, General Sessions–Civil Division Court Clerk's Office, and the Traffic Violation Bureau.

B. *Confidential Record*: Any record, or part of a record, which is defined by the ***TPRA***, or other state or federal law, as being exempt from public inspection, including, but not limited to, those records listed in T.C.A. §10-7-504.

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

D. *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 T.C.A. §10-7-503(a)(1)(A).

E. *Public Records Request Coordinator*: The individual, or individuals, designated in Section III, A.3 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 T.C.A. §10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a Records Custodian.

F. *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(s) ("***PRRC***"), in order to ensure public record requests are fulfilled in a timely manner.

B. Requests for inspection may be made orally or in writing using the *Offices of the Circuit Court Clerk Public Records Request Form* at the ***PRRC*** or Departmental mailing address(es) listed below. If the requester desires responses or written communications from the **Offices of the Circuit Court Clerk** to be sent to a preferred mailing or email address, these addresses must be provided by the requester. If the requester does not provide a preferred mailing or email address, then any requests for clarification, responses, or other written communication required by the ***TPRA*** in response to requests for inspection only will be sent to the mailing address shown on the proof of Tennessee citizenship submitted by the requester.

C. Requests for copies, or requests for inspection and copies, may be made orally to the phone number(s) listed below or in writing using the *Offices of the Circuit Court Clerk Public Records Request Form* at the ***PRRC*** or Departmental mailing address(es) listed below.

D. 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.

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 Office of the Circuit Court Clerk 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 the elections made regarding:

i. Proof of Tennessee citizenship;
ii. Form(s) required for copies;
iii. Fees

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.
   ii. The request lacks specificity, if it can't be determined by the ***PRRC***.
   iii. An exemption makes the record not subject to disclosure under the ***TPRA***. ***PRRC*** will provide the exemption in written denial.
   iv. The Circuit Court Clerk is not the custodian of the requested records.
   v. The record(s) do(es) not exist.
c. If appropriate, contact the requestor to see if request can be narrowed.
d. Ensure the records request is completed.
e. If requested records are in the custody of a different governmental entity, and the ***PRRC*** knows the correct governmental entity, advise the requestor of the correct governmental entity and ***PRRC*** for that entity if known.

3. The designated ***PRRC***(s) is(are):
   a. Name or title:
   Tommy King, **Chief Administrative Clerk Operations & Special Projects**
   Chelsia Follett, **Chief Clerk of Circuit Court Clerk's Office**
   Brian Kahrs, Chief Clerk of Probate Clerk's Office
   RenáSanders, Chief Clerk of General Sessions Clerk's Office–Civil Division
   Bill Cartwright, Chief Clerk of Traffic Violation Bureau
   b. Contact information:
   Tommy King
   Offices of the Circuit Court Clerk
   Justice A. A. Birch Building
   408 2nd Avenue North, Suite 2110
   Nashville, TN 37201
   Phone Number: 615-862-5195

   Chelsia Follett
   Circuit Court Clerk's Office
   Historic Metro Nashville Courthouse
   1 Public Square, Room 302
   Nashville, TN 37201
   Phone Number: 615-862-5181

   Brian Kahrs
   Probate Court Clerk's Office
   Historic Metro Nashville Courthouse
   1 Public Square, Room 303
   Nashville, TN 37201
   Phone Number: 615-862-5980

Renå Sanders
General Sessions Clerk's Office–Civil Division
Justice A. A. Birch Building
408 2nd Avenue North, Suite 2110
Nashville, TN 37201
Phone Number: 615-862-5195

Bill Cartwright
Traffic Violation Bureau
Justice A. A. Birch Building
408 2nd Avenue North, Suite 1160
Nashville, TN 37201
Phone Number: 615-862-5222

B. Records Custodian

1. Upon receiving a public records request, a Records Custodian shall promptly make requested public records available in accordance with T.C.A. §10-7-503. If the Records Custodian is uncertain that an applicable exemption applies, the Custodian may consult with the ***PRRC***, Metro Legal/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 or ***PRRC*** 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* which is attached, 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 or ***PRRC*** 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 or ***PRRC*** should contact the requestor to see if the request can be narrowed.
5. If a Records Custodian discovers records, in response to a records request, were omitted, the Records Custodian or ***PRRC*** 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 questions arise concerning redaction, the Records Custodian should coordinate with Metro Legal/counsel or other appropriate parties regarding review and redaction of records.

2. Whenever requested by a requester, a Records Custodian should provide the requester with a general statement of the basis for redaction(s) within the records provided. The basis given for redactions 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 unless otherwise provided for under state or federal law.

B. The location for inspection of records within the **Offices of the Circuit Court Clerk** should be determined by either the ***PRRC*** or the Records Custodian who will advise the requester of the location where these records can be inspected.

C. The ***PRRC*** or a Records Custodian may require an appointment for inspection of records during normal business hours and at a mutually agreeable time for the requester or may require inspection of records at an alternate location.

V. Copies of Records

A. A Records Custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

B. At the discretion of the Records Custodian or ***PRRC***, as applicable, and where possible, the responsive records may be emailed to the requester.

C. For copies to be picked up, upon payment, the copies will be available for pickup at a location specified by the Records Custodian.

D. For copies to be delivered by mail or by courier service, upon pre-payment for postage/courier services and copies, copies will be delivered to the requestor's home address by the United States Postal Service or by pre-paid courier service. Additional permitted means of delivery may be utilized at the discretion of the ***PRRC*** or Records Custodian, as appropriate.

E. A requestor will not be allowed to make copies of records with personal equipment. However, a requestor inspecting records will be allowed to photograph records with a smart phone or camera, although such photographs of records will not be eligible for certification as certified copies, but, for cyber security reasons, under no circumstances may a requestor insert a personal flash drive or other storage device into any Metropolitan Government computer.

VI. Fees and Charges and Procedures for Billing and Payment

A. Fees and charges for copies are as follows:

1. $0.50 per page in accordance with T.C.A. §8-21-401(i)(4).
2. $5.00 certification per document in accordance with T.C.A. §8-21-401(i)(5) (in addition to copy charge by page).
3. If an outside vendor is used, the actual costs assessed by the vendor.

B. Payment is to be made by cash, credit/debit card, or money order payable to the Departmental office.

C. Payment in advance will be required.

OFFICES OF THE CIRCUIT COURT CLERK
DAVIDSON COUNTY, TENNESSEE

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Public Records Request Form

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 Requestor Coordinator

Requestor Name: _____

Requestor Phone Number: _____

Email Address: _____

Mailing Address: _____

Is the requestor a Tennessee citizen? ☐ **Yes** ☐ **No**

Proof of Tennessee residency/citizenship is required. Requestor must supply a copy of Tennessee driver's license, Tennessee issued state ID, current utility bill, mortgage/lease paperwork showing requestor's name and address.

Request: ☐ **Inspection** (the ***TPRA*** does not permit fees or require a written request for inspection only.[1])

☐ **Copy/Duplicate**

The requestor has a right to receive an estimate for copies. 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: _____.

Advanced payment is required for copies and postage/courier.

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

☐ **Electronic** ☐ **Other:** _____

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 | Signature of Public Records Request Coordinator

Date Submitted: _____ | Date Received: _____

[1] **NOTE:** *T.C.A. §10-7-504(a)(20)(C)* permits charging for redaction of private records of a utility.