



HARMONIZING PUBLIC RECORDS REQUESTS

SB2540 (HATCHER) / HB2500 (ALEXANDER)

BACKGROUND

The Tennessee Public Records Act of 1957 helps ensure government accountability and transparency by providing Tennessee citizens with access to public records.

All documents created or received by municipal officials and employees related to municipal business are subject to the Act.

The Act requires a requestor to pay a records custodian's reasonable costs incurred for producing the requested materials and to assess the reasonable costs in the manner established by the Office of Open Records Counsel. However, the Act prohibits a records custodian from assessing a charge if a requestor desires to inspect (view) a public record in the office.

PROBLEM

The Tennessee Public Records Act allows records custodians to charge for the preparation and copying of public records for those requesting to take records home but prohibits charging a fee to recoup the costs of gathering and preparing records to be viewed in the office.

This creates conflict in the law because whether the requestor seeks to view the records in-office or to take copies home, it requires the same amount of work to locate, review, redact, and prepare the records requested. In addition to the preparation labor, municipal employees often must supervise inspections, consuming staff time and resources that cannot be reimbursed under current law.

This inconsistency imposes a financial burden on municipalities and their taxpayers, as lost staff hours and other costs associated with gathering and preparing public records for in-office viewing must be absorbed, without any means of cost recovery.

SOLUTION

Amend the Tennessee Public Records Act to allow billing for in-office viewing of public records in the same manner as requests for copies of public records to take home. This change will allow governmental entities to charge for gathering and preparing of records, regardless of how the records are inspected. This change will establish consistency and remove the financial burden for municipal taxpayers.