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| <b>INSPECTING &amp; COPYING OF PUBLIC RECORDS – 5:10:04:00</b>        |
| Approval  |
| <b>Leadership Council Approved:</b> September 2, 2016                 |
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| <b>Effective Date/Approved:</b> September 2, 2016                     |
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| <b>Revised:</b> October 30, 2008; September 2, 2016                   |
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| <b>Responsible Party:</b> Vice President for Finance & Administration |
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**I. INTRODUCTION**

The purpose of this policy is to establish uniform procedures for handling requests under Tennessee's Open Records Law.

**II. DEFINITIONS**

"Public Records" are 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 in connection with the transaction of official Motlow State Community College business.

**III. INSPECTION OF PUBLIC RECORDS**

- A. Except for confidential records, public records will be open for inspection by citizens of Tennessee in the office of record during business hours (8:00 am - 4:30 pm, Monday - Friday, except for official holidays). Persons requesting to inspect records will be asked to complete the attached Request Form and show identification of Tennessee citizenship (i.e. driver's license, voter's registration, etc.). The Request Form will be retained by the department of record and a copy forwarded to the Vice-President for Finance and Administration. If the request is for a personnel record, the individual who is the subject of the record will be notified of the request by the Human Resources Office.
- B. Any request to inspect records must be for a specific record. Motlow State Community College is not required to create records or compile information. If the record is unavailable for some reason, i.e., filed in archives, being used for official business, etc., then the person requesting the record shall be advised when to return to inspect the record. All efforts will be made to provide the record(s) within seven business days.
- C. Custody of the record is not to be relinquished. The person requesting to inspect the record must do so in the presence of the custodian of the record or an appropriate designee.

**IV. COPING OF PUBLIC RECORDS**

Upon request, Motlow State Community College will provide, at the requester's expense, copies of public records. When a request for the copies is received, the custodian should not relinquish the records. The custodian should do as follows:

- A. Have the requesting party complete the Request Form to Inspect/Copy Public Records.
- B. Determine the number of copies to be made and enter the description and the number of copies to be made on the form.
  1. Copy Charges
    - a. The price is 15 cents per page for each standard 8 ½ x 11 or 8 ½ x 14 black and white copy produced. A duplex copy is the equivalent of the charge for two (2) separate copies.
    - b. If a public record is maintained in color, the requestor is advised that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, the requestor, will be assessed a charge of 50 cents per page for each 8 ½ x 11 or 8 ½ x 14 color copy produced.
    - c. If the requested records exist electronically, but not in the format requested or a new or modified computer program or application is necessary to put the records in a readable and reproducible format or it is necessary to access backup files, the Vice President for Finance and Administration shall charge the requesting party the actual costs incurred in producing the records in the format requested or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format or in accessing backup files.
  2. Labor Costs
    - a. The Vice President for Finance and Administration shall charge the requesting party the hourly wage of the employee(s) reasonably necessary to produce copies of the requested records about the labor threshold. Labor threshold means the labor of the employee(s) reasonably necessary to produce requested records for the first hour incurred by the institution in producing the records.
    - b. The "hourly wage" is based upon the employee(s) base salary and does not include benefits.
    - c. In calculating the labor costs to be charged to the requesting party, the Vice President for Finance and Administration shall:
      - i. First, determine the number of hours each employee spent producing the requested public records.
      - ii. Second, subtract the one (1) hour threshold from the number of hours the highest paid employee spent producing the request.
      - iii. Third, multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage; and
      - iv. Fourth, add together the totals for all employees involved in the request to determine the total amount of the labor costs to be charged to the requesting party.

## V. DELIVERY COSTS

- A. The Vice President for Finance and Administration shall charge the requesting party for the costs incurred by the college in delivering the records to the requesting party, in addition to any other charge permitted by these rules.
  1. Delivery of copies of records to a requestor is anticipated to be by hand delivery.
  2. At the discretion of the Vice President for Finance and Administration, copies of public records may be delivered through other means, including electronically or by U.S. Postal Service.

## VI. PAYMENT

- A. If the requesting party requests copies of public records, the following provisions concerning payment of production costs shall apply:
  1. The Vice President for Finance and Administration shall provide the requesting party an estimate of the production costs before initiating the production of copies of the requested public records.
  2. The Vice President for Finance and Administration will require payment in full of all production costs before copies of public records are delivered or otherwise made available to the requesting party.
  3. Production cost must be paid by cash or check. Cash payments must be for the exact amount of the publication costs.
  4. The Vice President for Finance and Administration will provide a receipt to the requesting party upon receipt of payment of the production costs to the Business Office.

## **VII. REQUESTS FOR COPIES FOLLOWING INSPECTION**

- A. The Vice President for Finance and Administration shall not assess a charge to inspect public records, unless otherwise required by law. However, if the requesting party, after requesting to inspect public records, requests copies of public records, the Vice President for Finance and Administration shall charge the requesting party for all production costs.
- B. If it cannot be readily determined whether or not a requested document is covered by the Tennessee Open Records Law, the custodian shall refer the matter to the Vice-President for Finance and Administration. After copies are paid for, made and picked up or delivered, the form should be filed with the requested record in the Department of Record (where feasible) and a copy should be forwarded to the Vice President for Finance and Administration.

MOTLOW STATE COMMUNITY COLLEGE  
REQUEST FORM TO INSPECT/COPY PUBLIC RECORDS

1. NAME: \_\_\_\_\_  
(PRINT OR TYPE NAME OF REQUESTER)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

2. PHONE: Home \_\_\_\_\_ Business \_\_\_\_\_

3. TENNESSEE DRIVER'S LICENSE NUMBER: \_\_\_\_\_  
(OR OTHER ACCEPTABLE IDENTIFICATION)

4. COMPANY OR BUSINESS REPRESENTED, IF ANY:  
\_\_\_\_\_  
\_\_\_\_\_

5. DATE AND TIME OF REQUEST: \_\_\_\_\_

6. DEPARTMENT OF RECORD: \_\_\_\_\_

7. DESCRIPTION OF RECORD: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. IF DESIRED, TOTAL NUMBER OF PAGES TO BE COPIED: \_\_\_\_\_

COST PER COPY – Black and White \$.15 X # OF COPIES = TOTAL COST \$ \_\_\_\_\_

COST PER COPY – Color \$.50 X # OF COPIES = TOTAL COST \$ \_\_\_\_\_

SIGNATURE OF REQUESTER \_\_\_\_\_

SIGNATURE OF PROVIDER \_\_\_\_\_