

MELISSA HARRELL

RUTHERFORD COUNTY CLERK OF COURTS

Judicial Center
116 West Lytle Street
Murfreesboro, TN 37130

Circuit Civil Court

PH: 615.898.7820 FAX: 615.691.5904

General Sessions Civil Court

PH: 615.217.0069 FAX: 615.396.3152

Juvenile Court

PH: 615.898.7972 FAX: 615.217.7120

Circuit Criminal Court

PH: 615.898.7812 FAX: 615.691.5917

General Sessions Criminal & Traffic

PH: 615.898.7831 FAX: 615.691.5890

Circuit Court Jury Administration

PH: 615.907.3566 FAX: 615.691.5917

PUBLIC RECORDS REQUEST POLICY FOR THE RUTHERFORD COUNTY CIRCUIT COURT CLERK'S OFFICE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Rutherford County Circuit Court Clerk's Office is 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 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).

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

II. Requesting Access to Public Records

A. Requests for inspection may be made in writing at 116 West Lytle Street Murfreesboro, TN 37130.

B. Requests for copies, or requests for inspection and copies, shall/may be made in writing at 116 West Lytle Street Murfreesboro, TN 37130.

C. 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 Governmental Entity 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 (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - 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.
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - iv. The Governmental Entity 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.

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 or counsel.
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.

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 questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the Office of Attorney General.

IV. Inspection of Records

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records shall be within the offices of the Rutherford County Circuit Court Clerk's Office.

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. Copies will be available for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Records custodians 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.
- B. Fees and charges for copies are as follows:
 1. \$0.50 per page for letter- and legal-size black and white copies.
 2. Labor when time exceeds 1 hour.
- C. Payment is to be made in cash or by personal check payable to the Rutherford County Circuit Court Clerk's Office presented to the records custodian.
- D. Payment in advance will be required when costs are estimated to exceed \$20.00.

**116 WEST LYTLE STREET
MURFREESBORO, TN 37130**

[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) 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:

Being delivered via: USPS First-Class Mail Electronically Other: _____; or

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 _____.

Sincerely,

Contact Info: _____