

## **I:02:04 Open Records for Public Inspection**

### **Purpose**

In accordance with Tennessee Code Annotated Section 10-7-503, Records Open to Public Inspection, all records made or received in connection with the transaction of official Volunteer State Community College business shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee unless otherwise provided by law or regulations made pursuant thereto; and the citizen shall have the right to make copies in accordance with Tennessee Code Annotated Section 10-7-506. Any questions concerning public records should be addressed to the Tennessee Board of Regents Legal Counsel.

To establish uniform procedures for handling requests under Tennessee's Open Records Law and complying with required confidentiality of records.

### **Definitions**

#### *Public Records*

All books, papers, electronic mail messages, maps, photographs, films, microfilm, imaged copies, electronic data processing output, 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 College business.

#### *Employee Records*

All records related to employees (faculty, staff etc.) that are maintained in the Human Resources Department, Business Office, and any other department that may maintain records that include information on employees.

#### *Confidential Information*

Information in employee records that may not be released under the Tennessee Open Records Laws, including:

Unpublished telephone numbers

Bank account information

Social Security number

Driver's license information, except where driving or operating a vehicle is part of the employee's job description, job duties, or incidental to the performance of his/her job

Medical information, sick leave documentation, and Employee Assistance Program (EAP) files

Same information as listed above on immediate family members or household members.

### **Inspection of Public Records**

#### **Who May Inspect/Copy Records:**

Except for confidential records as prescribed by law, public records will be open for inspection by citizens of Tennessee in the office of record during business hours. Persons requesting to

inspect records must show identification of Tennessee citizenship (i.e., driver's license, voter's registration, etc.) and complete a request for Public Records Form available at the Public Relations Office.

### **Form or Format of Record to be Inspected/Copied:**

The public records laws only require that actual records be produced for viewing and/or copying. The nature of certain records and applicable confidentiality requirements, however, may result in providing the requested record/information in a form or format other than the original records form or format. In such cases, the College custodian may coordinate with the requestor to find an alternate form or means of providing access to the same desired record or information as available under the open records laws.

In the event the record includes confidential information, copies of the record will be made and the confidential information will be redacted (stricken) before being made available for inspection.

### **Specificity of Record Requested:**

A request to inspect records must be for a specific record and must be made to the custodian of the record, i.e., the department head. The College is not required to create records or compile information.

### **Time Required to Produce Records:**

If the record cannot be immediately produced for some reason, e.g., filed in archives, being used for official business, or it will take additional time to redact (strike) confidential information from the record, 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 a reasonable period of time.

### **Responsibility of the Custodian of the Record:**

Custody of the record is not to be relinquished. The person requesting to inspect/copy the record must do so in the presence of the custodian of the record or an appropriate designee.

### **Requests from News Media**

Requests to inspect public records submitted by a representative of the news media (newspaper, radio, television, magazine, internet etc.) must be made through the Public Relations Office who will arrange for the inspection of the public records.

### **Notifications to Other Offices:**

The Public Relations Office should always be notified when records are requested to be inspected. These offices may be required to assist in answering questions, coordinating release of any additional information, and ensuring correct understanding of the record.

### **Inspection of Employee Records**

Personnel records of all faculty and staff, including former employees, are subject to inspection under Tennessee's Open Records Law. Persons requesting to inspect personnel records must complete a Request Form to Inspect/Copy Public Records and show identification of Tennessee citizenship. When a request is made to inspect the personnel record of a current employee, the confidential information in the file is redacted (stricken) before inspection. The subject employee will be notified that such a request was made and who made the request.

Medical records are maintained separately from personnel records and are considered to be confidential. Examples of medical records include but are not limited to sick leave documentation and employee assistance program (EAP) files.

### **Copies of Public Records**

Upon request, the College will provide, at the requestor's expense, copies of public records and employee records. Confidential information shall always be redacted (stricken) before copies are provided. The custodian should not relinquish the records. It is the responsibility of the custodian to make copies or arrange for copies to be made as well as to determine and collect copy fees, as stated below.

#### **A. Letters, manuscripts, maps, books, blueprints, etc.**

Require the requestor to identify on the Request Form to Inspect/Copy Public Records the specific record(s) to be copied.

If it is not immediately convenient for the custodian or designee to make the copies, the requestor shall be advised that they will be notified when and where the copies will be available for pickup and where payment for the copies may be made. All efforts will be made to provide the copies within a reasonable period of time.

#### **Tape recordings, computer tapes, and other electronic documents**

Require the requestor to identify on the Request Form to Inspect/Copy Public Records the records to be copied.

If there is not an established fee rate for the type of reproduction (copy) to be made, the custodian of the public record should expeditiously ascertain the cost for duplication and notify the requestor of the charge (cost plus 50%). Payment for the charge shall be made in advance at the Business Office.

Upon payment by the requestor, the public record should be duplicated and arrangements made for pickup by the requestor.

#### **B. Employee's own records**

The Human Resources Department may, in its sole discretion, provide copies to the employee at no charge or at base level cost of copying.

### **C. Determination of Copy Format**

Notwithstanding the form of the records, reproduction or copying of records shall be made in a form as best determined by the custodian of the record.

Information on computer files and other electronic documents should be copied in a printed format whenever possible, and an actual reproduction of the computer file, etc. should not be provided.

No records shall be produced or copied in a form to further a commercial, business, or similar purpose, i.e., mailing labels, envelopes, telephone numbers list, special format on computer disk, etc.

### **E. Fees/Charges**

The price per copy rates will be determined each year by the College's Business Office (see attachment for current rates). If the determined format of the copy is other than paper photocopy, the requestor shall be charged the reasonable fee approved in accordance with the fee approval process or the actual cost plus 50%, as noted above. Under special circumstances and depending on how best to reproduce/copy the records, the department may negotiate with the requestor the fee to be paid.

In all cases, the fee/charge for copies shall be paid before release of the records.

The Public Relations Office will be provided copies of inspected and/or copied records (a) upon their request and/or (b) whenever the office providing access to the record(s) believes circumstances warrant.

VSCC Source: March 10, 2008, President's Cabinet

**Volunteer State Community College  
Open Record Fee Documentation Fee Schedule**

Controlling Policy Number: \_\_\_\_\_

Effective date: \_\_\_\_\_

Rate per duplicated page (letter or legal size)	\$ 1.00
Rate per duplicated page (larger than letter or legal size) (If the document can be duplicated in-house)	\$ 5.00
Rate per duplicated page (larger than letter or legal size) (If the document <b>cannot</b> be duplicated in house) fee	Cost plus 50% administration (Note 1)

Note 1> If the document cannot be duplicated with available equipment at VSCC and a commercial business has to be employed the cost for documents will be the cost charged by the duplication company plus 50% administrative fee.

Example	Cost from ABC duplication company	\$ 9.00
	Administrative Fee (\$9 X 50%)	<u>\$ 4.50</u>
	Total due for duplication	<u>\$ 13.50</u>