

**PUBLIC RECORDS POLICY  
FOR  
MEMPHIS HOUSING AUTHORITY**

<b>EFFECTIVE DATE:</b> July 1, 2017	<b>APPROVAL DATE:</b> June 22, 2017
<b>BY RESOLUTION NO.</b> 4494	

**I. Purpose:**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Memphis Housing Authority is hereby adopted by Memphis Housing Authority Board of Commissioners 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, always 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 Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of [Memphis Housing Authority] are presumed to be open for inspection unless otherwise provided by law.

Personnel of Memphis Housing Authority (“MHA”) 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 Memphis Housing Authority, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Memphis Housing Authority or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the Legal Department. This Policy is posted online at [www.memphisha.org](http://www.memphisha.org) This Policy shall be reviewed every two years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of MHA.

**II. 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 (“RC”) 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 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. 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 Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor. A person seeking access to a public record, whether it is for inspection or duplication.

### **III. Requesting Access to Public Records**

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee [or via online submission] in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection may be made 1) electronically by going to our website at [www.memphisha.org](http://www.memphisha.org) 2) orally by contacting the PRRC at 901-544-1258 or by mail at MHA Attn: Legal Department 700 Adams Avenue Memphis, Tennessee 38105 [If, by mail, please use attached records request form].
- C. Requests for copies, or requests for inspection and copies, shall be made electronically via our website at [www.memphisha.org](http://www.memphisha.org) or in writing [using the attached records request form] and submitted to MHA Attn: Legal Department 700 Adams Avenue, Memphis, Tennessee 38105.
- D. Staff shall immediately direct all open records request to our website or the PRRC.

### **IV. Responding to Public 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 records requested are described with sufficient specificity to identify them; and
    - b. If MHA 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 request lacks specificity.
  - ii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
  - iii. The MHA is not the custodian of the requested records.
  - iv. The records do not exist.
- c. If appropriate, contact the requestor to see if the request can be narrowed.
- d. Forward the records request to the appropriate records custodian in MHA.
- 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. General Counsel or Paralegal 700 Adams Avenue Memphis, TN 38105 901-544-1258 (Telephone) 901-544-1370 (Fax).

4. The PRRC(s) shall also:

- a. Work with the Records Custodian or appropriate MHA staff to ensure all records responsive to the request are gathered.
- b. Serve as a liaison between the Requestor, records custodian and staff by providing all responses to record request.

B. Records Custodian

- 1. Upon receiving a public records request, the PRRC will work directly with the RC of the department or staff that holds the requested information. The RC or Staff shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the RC or staff is uncertain that an applicable exemption applies, the RC or staff may consult with the PRRC, General 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 staff shall, notify the PRRC, the PRRC within seven (7) business days from the records custodian's or staff's receipt of the request, send the requestor a completed Public Records Request Response Form.

3. If a PRRC 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 PRRC 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 OORC (*if the Governmental Entity is a state agency*) or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

**V. Inspection of Records**

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of Memphis Housing Authority should be determined by either the PRRC or the records custodian. The inspection of records shall be supervised by designated staff.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.
- D. Inspection of records for the Housing Choice Voucher Department will be made available during their regular scheduled business hours. Monday, 8:00 am – 4:00 pm, Tuesday – Friday, 8:00 a.m. -2:00 p.m. and closed the last Friday of each month.

**VI. Copies of Records**

- A. The RC or staff 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 PRRC or records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service. FedEx or UPS (pre-paid shipping label).
- D. Request for electronic copies will be sent in the most convenient format for MHA.
- E. A requestor will not be allowed to make copies of records with personal equipment.

**VII. Fees and Charges and Procedures for Billing and Payment**

- A. No charges will be assessed for copies and duplicates for request less than 60 pages. Fees associated with aggregated records will not be waived.
- B. PRRC 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.
- C. Fees and charges for copies are as follows
  - 1. \$0.15 per page for letter- and legal-size black and white copies.
  - 2. \$0.50 per page for letter- and legal-size color copies.
  - 3. Labor when time exceed one hours.
  - 4. If an outside vendor is used, the actual costs assessed by the vendor.
  - 5. Any additional costs more than the charges identified in this Policy which are directly related to the copying of this public record.
- D. Payment is to be made by cashier's check or money order payable to Memphis Housing Authority presented to PRRC or RC.
- E. Payment in advance will be required when costs are estimated to exceed \$10.00.

**VIII. Aggregation of Frequent and Multiple Requests**

1. Memphis Housing Authority will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
2. If aggregating:
  - a. The level at which records requests will be aggregated at the agency level).
  - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
  - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to records made available on MHA's website at [www.memphisha.org](http://www.memphisha.org).

**IX. Amendments**

This Policy may be amended at any time at the discretion of the MHA Board of Commissioners. Should this Policy conflict with subsequent changes to the TPRA, this Policy shall be modified only to the extent required to comply with TPRA, as amended.



**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:** Memphis Housing Authority: Legal Department 700 Adams Ave. Memphis, TN 38105

**From:** [Insert Requestor’s Name and Contact Information (include an address for any TPRA required written response)]

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

**Request:**  Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>i</sup>.)

Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. 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:  
\_\_\_\_\_.

**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 and Date Submitted

\_\_\_\_\_  
Signature of Public Records Request Coordinator and  
Date Received



## PUBLIC RECORD REQUEST RESPONSE FORM

[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)<sup>1</sup> 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: \_\_\_\_\_; or
  - Being delivered via:  USPS First-Class Mail  Electronically  Other:
- 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 [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Records Custodian or Public Record Request  
Coordinator] [Name, Title, and Contact Information]

