

PUBLIC HEARINGS REGARDING INSPECTION OF PUBLIC RECORDS

Legislation was introduced in the 2015 Session of the 109th General Assembly that would permit charges for inspection of public records under the Tennessee Public Records Act (TPRA). The Office of Open Records Counsel (OORC) agreed to undertake a review of the issues surrounding the inspection of public records. OORC has distributed surveys to citizens and governmental entities. Additionally, OORC is holding public hearings, in conjunction with the Advisory Committee on Open Government (ACOG), to receive input (both orally and in writing) from citizens and governmental entities, on the following:

1. Should the TPRA permit record custodians to charge for inspection of public records?
2. If charges for inspection are permitted, should charges for inspection be governed in a manner similar to charges for duplication (Schedule of Reasonable Charges)? If not, why not?
3. If charges for inspection are permitted, should any public records such as meeting minutes, agendas, and audit reports be exempted from inspection charges? Why?
4. If charges for inspection are permitted, should the factors listed in Tenn. Code Ann. Section 8-4-604 related to charges for copies be considered for inspection? If not, why not?
5. What amendments or changes should be made to the current Schedule for Reasonable Charges related to *duplication* of records? Why?

Written comments to these questions should be submitted to comments.open.records@cot.tn.gov.

The public hearings will be held:

- Tuesday, September 15, 2015 (4-6 pm) in Knoxville, TN
12 Oaks Executive Park, 5401 Kingston Pike, Building 2, Suite 350
- Wednesday, September 16, 2015 (10 am-12 noon) in Nashville, TN
James K. Polk State Office Building, 505 Deaderick St., 16th Floor, Video Conference Room
- Thursday, September 17, 2015 (3-5 pm) in Jackson, TN
Lowell Thomas State Office Building, 225 Martin Luther King Drive, Tower B, Conference Room 1

OORC will use information from the public hearings, as well as from e-mailed comments and the responses to the surveys, to prepare a report with recommendations to be delivered to the General Assembly by January 15, 2016.

Guidelines for Public Hearings

- Individuals wishing to speak on any or all of the five questions should submit a request to speak to OORC at comments.open.records@cot.tn.gov, using “Request to Speak” as the subject line. The e-mailed Request should specify:

- name of speaker and contact information
- organizational affiliation, if any, and
- the hearing location at which they wish to speak. Written versions of oral comments are strongly encouraged.

- Prior to each public hearing:
 - A list of individuals previously requesting to speak will be prepared and distributed to members of ACOG; speakers will be listed on a “first come, first served” basis.
 - Immediately prior to the public hearing, members of the public will be allowed to sign up to speak – again on a “first come, first served” basis.

- The public hearings shall be conducted in the following manner:
 - OORC will call the hearing to order, and briefly describe the purpose of hearing (TPRA, legislation, goal and procedure for hearing).
 - OORC will introduce the members of ACOG who are present.
 - OORC will recognize members of the public who signed up to speak in the order in which they signed up.
 - Time limits will be established by OORC based on the number of speakers present, permitting at least three (3) minutes, but not exceeding five (5) minutes.
 - Each person or organization will be allowed one comment per hearing (groups or organizations will be asked to designate a speaker).
 - OORC will request speakers to refrain from duplicative or repetitive comments.
 - Speakers will be limited in their comments to the five (5) questions.
 - OORC will record and document comments.

 - After all speakers who signed up have spoken, if time permits, speakers who have not signed up will be recognized, providing name and contact information for the record.
 - After members of the public have finished speaking, the hearing will be concluded and OORC will adjourn the hearing.

Questions should be addressed to comments.open.records@cot.tn.gov or call (615) 401-7891.