

Instructions for Records Custodians Regarding the Schedule of Reasonable Charges for Copies of Public Records

The Office of Open Records Counsel (“OORC”) released its schedule of reasonable charges (“schedule”) for copies of public records, available for download at www.comptroller.state.tn.us/openrecords. Public Chapter 1179, Acts of 2008, required the OORC to establish the schedule which a records custodian may use as a guideline to charge a citizen requesting copies of public records pursuant to the Tennessee Public Records Act, T.C.A. Sections 10-7-501 et seq.

T.C.A. Section 10-7-503(a) as amended by Public Chapter 1179, Acts of 2008, effective July 1, 2008, specifically states in (7)(A) that a records custodian may not charge for inspection of public records unless otherwise required by law. Until the schedule was developed, Section 10-7-503(a)(2)(C) allowed a records custodian to charge a requestor the actual costs incurred in producing a copy or duplicate, which could include any labor incurred after five (5) hours spent producing the requested material. With the development of the schedule, a records custodian is now authorized by TCA Section 10-7-503(a)(7)(C)(1) to charge reasonable costs assessed in a manner consistent with the schedule. The schedule has a development date of October 1, 2008.

All governmental entities must comply with T.C.A. Section 10-7-506(a) in order to charge for copies or duplication of public records requested pursuant to the Tennessee Public Records Act. Any governmental entity desiring to charge for copies or duplication in accordance with the schedule developed by the OORC should consult with legal counsel in order to ensure compliance with T.C.A. Section 10-7-506(a). Additionally, any governmental entity that desires to assess charges higher than those in the schedule for paper copies or duplication of public records or to charge for copies or duplication using a medium other than 8 ½ x11 or 8 ½ x14 paper is permitted to do so as long as the entity can verify the charges represent its actual cost in producing the request and the charges are assessed in a manner consistent with OORC’s schedule. Charges established under separate legal authority are not governed by this schedule, and are not to be added to or combined with charges authorized under this schedule.

The schedule sets as reasonable charges fifteen (\$0.15) cents for black and white photocopies on 8 ½ x11 or 8 ½ x14 paper and fifty cents (\$0.50) for color photocopies on 8 ½ x11 or 8 ½ x14 paper. No standard fee is established for copies produced on medium other than that mentioned above, although guidance is given as to the components to be considered in establishing such copying or duplication charges. The schedule provides that a charge for labor may be assessed after one (1) hour is incurred producing the requested material and is in addition to the per page or medium charge.

For questions about the schedule or to find out more about the Office of Open Records Counsel, please visit www.comptroller.state.tn.us/openrecords or call (615) 401-7891 or 1-866-831-3750.

Elisha Hodge, Open Records Counsel, Office of Open Records Counsel
(615) 401-7891 open.records@tn.gov

Revised December 7, 2010