

Arlington Community Schools Board

Monitoring: Review: Annually	Descriptor Term: Public Records Requests	Descriptor Code: 1.408	Amended Date: 06/27/17
		Rescinds:	Last Issued: 06/28/16

1 Any citizen of the State of Tennessee may make a request to inspect any public record.

2 **DEFINITIONS**

3 **Public Record** – All documents, papers, letters, maps, books, photographs, microfilms, electronic data
4 processing files and output, films, sound recordings or other materials, regardless of physical form or
5 characteristics, made or received pursuant to law or ordinance or in connection with the transaction of
6 official business by the Arlington Community Schools Board of Education; with exemptions of
7 confidential information determined by law.

8 **Labor** – The time reasonably necessary to produce the requested records and includes the time spent
9 locating, retrieving, reviewing, redacting and reproducing the records.

10 **Labor Threshold** – The labor of the employee(s) reasonably necessary to produce requested material
11 for the first hour incurred by the records custodian in producing the material.

12 The Superintendent shall be authorized to permit inspection of all Arlington Community Schools
13 records, except information deemed confidential by law. Information deemed confidential and exempt
14 from disclosure under the Tennessee Open Records Law includes:

15 1. Information and records about alarm and security systems used at any Arlington Community
16 Schools building including codes, passwords, wiring diagrams, plans and security procedures
17 and protocols related to the security system; security plans, including security-related
18 contingency planning and emergency response plans; assessments of security vulnerability;
19 information and records that would identify those areas of structural or operational vulnerability
20 that would permit unlawful disruption to or interference with, the services provided by Arlington
21 Community Schools to its employees, students and community; surveillance recordings, whether
22 recorded to audio or visual format or both, except segments of the recordings may be made public
23 when they include an act or incident involving public safety or security or possible criminal
24 activity. If the recordings are relevant to a civil action or criminal prosecution, then the
25 recordings may be released in compliance with a subpoena or an order of a court of record in
26 accordance with the Tennessee Rules of Civil or Criminal Procedure;

27 2. The device or equipment, including but not limited to, a cell phone, computer or other electronic
28 or mechanical device or equipment that may have been used to create or store a public record.

29 3. Student records;

30 4. Attorney Work Product/ Attorney Client Privileged documents;

- 1 5. Information protected by a Court issued order of protection;
- 2 6. All records containing the results of individual teacher evaluations administered pursuant to the
- 3 policies, guidelines, and criteria adopted by the State Board of Education; and
- 4 7. The following employee records:
- 5 • Home telephone and personal cell phone numbers
- 6 • Bank account information
- 7 • Individual Health Savings Account
- 8 • Retirement Account and pension account information
- 9 • Social Security number
- 10 • Residential street address
- 11 • Driver's license information in employee records, except where driving or operating a
- 12 vehicle is part of the employee's job description, job duties or incidental to the performance
- 13 of his/her job
- 14 • Same information as listed above of immediate family members, whether or not the
- 15 immediate family member resides with the employee, or household members
- 16 • Medical information, sick leave documentation and Employee Assistance Program (EAP)
- 17 files
- 18 • Personal, non-government issued e-mail address
- 19 • Emergency contact information
- 20
- 21 8. The following personally identifying information shall not be disclosed unless permission is
- 22 given by the employee or applicant, distribution of the personally identifying information is
- 23 authorized under state or federal law or distribution is made to a consumer reporting agency, to
- 24 a financial institution subject to the privacy provisions of 15 U.S.C. § 6802 or distribution is
- 25 made to a financial institution subject to 31 U.S.C. §§ 5311 *et seq.*
- 26
- 27 • Alien registration numbers or passport numbers
- 28 • Employer or taxpayer identification numbers
- 29 • Unique biometric data such as fingerprints, voice prints, retina or iris images, or other
- 30 unique physical representations, or
- 31 • Unique electronic identification numbers, addresses, routing codes or other personal
- 32 identifying data which enables an individual to obtain merchandise or services or to
- 33 otherwise financially encumber the legitimate possession of the identifying data.

34 However, the aforementioned personally identifying information may be disclosed by ACS in

35 the performance of its functions or the disclosure of personally identifying information to another

36 governmental entity, or an agency of the federal government, or a private person or entity that

37 has been authorized to perform certain duties as a contractor of ACS.

38 **Requests for Inspection or Copying of a Record**

39 Requests regarding public records shall be made to the Superintendent at 12060 Arlington Trail,

40 Arlington, Tennessee 38002, (901) 389-2497. Written requests to inspect records are not required but

41 must be accompanied by proof that the requestor is a citizen of the State of Tennessee. Requests for

1 copies of records must be in writing and directed to the Superintendent on the Request for Copies of
2 Public Records form provided on the Board's website and in the ACS Central Office. The
3 Superintendent shall forward all requests to inspect and/or copy public records to ACS's General
4 Counsel for review and response. Requests for inspection or copying of a public record shall be
5 sufficiently detailed to enable the Superintendent to identify the specific records to be located or copied.
6 T.C.A. § 10-7-503(a)(4) provides that Arlington Community Schools is not responsible for sorting
7 through files to compile information.

8 The District shall make available for inspection any public record not specifically exempt from
9 disclosure in accordance with timeframes established under T.C.A. § 10-7-503(2)(B). Prior to producing
10 a record for copying confidential information shall be redacted.

11 Public records that are not exempt from disclosure shall be made available promptly, if possible. If the
12 records cannot be made available promptly, the ACS General Counsel shall:

- 13 1) Provide the records within seven (7) business days;
- 14 2) Deny the request in writing which shall include the basis for the denial; or
- 15 3) Furnish the requestor with a time reasonably necessary to produce the records or
16 information.

17 **Schedule of Reasonable Charges for Copies of Public Records**

18 T.C.A. § 10-7-503 permits the District to charge for copies or duplication of public records.

19 Copy and/or duplication charges must be paid in advance to the District by cash or certified funds.

- 20 • Arlington Community Schools assesses a charge of fifteen (15) cents per page for each
21 standard 8-1/2 x 11 or 8-1/2 x 14 black and white copy produced.
22
- 23 • If a public record is maintained in color, Arlington Community Schools shall advise the
24 requestor that the record can be produced in color if the requestor is willing to pay a charge
25 higher than that of a black and white copy. If the requestor then requests a color copy,
26 Arlington Community Schools assesses a charge of fifty (50) cents per page for each 8-1/2
27 x 11 or 8-1/2 x 14 color copy produced.

28 **Additional Production Charges**

- 29 • Delivery of copies of records to a requestor is anticipated to be by hand delivery when the
30 requestor returns to the Custodian's office to retrieve the requested records. If the requestor
31 chooses not to return to the Records Custodian's office to retrieve the copies, Arlington
32 Community Schools may deliver the copies through means of the United States Postal
33 Service and the cost incurred in delivering the copies may be assessed to the requestor in
34 additional to any other permitted charge.
35
- 36 • If Arlington Community Schools utilizes an outside vendor to produce copies of requested
37 records because the ACS Staff are legitimately unable to produce the copies in his/her
38 office, the cost assessed by the vendor to ACS may be recovered from the requestor. If

1 ACS is assessed a charge to retrieve requested records from archives or any other entity
2 having possession of requested records, ACS may assess the requestor the cost assessed to
3 ACS for the retrieval of records.

4 **Labor Charges**

- 5 • Arlington Community Schools is permitted to charge the hourly wage of the employee(s)
6 reasonably necessary to produce the requested records above the “labor threshold”. The hourly
7 wage is based upon the base salary of the employee(s) and does not include benefits. If an
8 employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the
9 employee’s annual salary by the required hours to be worked per year.
- 10 • In calculating the charge for labor, Arlington Community Schools shall determine the number of
11 hours each employee spent producing a request. The Records Custodian shall then subtract the
12 one (1) hour threshold from the number of hours the highest paid employee(s) spent producing
13 the request. ACS will then multiply the total number of hours to be charged for the labor of each
14 employee by that employee’s hourly wage. Finally, ACS will add together the totals for all the
15 employees involved in the request and that will be the total amount of labor that can be charged.
16

17 If a person makes two or more requests to view a public record within a six (6) month period and, for
18 each request, the person fails to view the public record within fifteen (15) business days of receiving
19 notification that the record is available to view, ACS will not comply with any public records request
20 from the person for a period of six (6) months from the date of the second request to view the public
21 record unless ACS determines that the failure to view the public record was for good cause; and

22 If a person makes a request for copies of a public record and, after copies have been produced, the person
23 fails to pay ACS the cost for producing such copies, ACS will not comply with any public records request
24 from the person until the person pays for such copies; provided, that the person was provided with an
25 estimated cost for producing the copies and the person agreed to pay the estimated cost for such copies.

Legal References

T.C.A. § 10-7-503, *et seq.*
Open Records Counsel’s Schedule of Charges