

PUBLIC RECORDS POLICY
FOR
KNOXVILLE UTILITIES BOARD

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Knoxville Utilities Board is hereby adopted in accordance with Resolution 1358 by the Knoxville Utilities 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 Tennessee Public Records Act (TPRA) provides that all state, county and municipal records shall, at all times during business hours be open for personal inspection by any citizen of the State of Tennessee, 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 Knoxville Utilities Board are presumed to be open for inspection unless otherwise provided by law.

Some records maintained by a municipality (including KUB as an independent agency of the City of Knoxville) are determined by law to be confidential records and not open for public inspection.

Personnel of KUB 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 KUB shall be protected as provided by current law. KUB reserves the right to notify any customer, employee, or third party whose records are requested under this policy prior to the release of any personal information. Concerns about this Policy should be addressed to the Public Records Request Coordinator for KUB.

I. Definitions:

- A. Records Custodian: The 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 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 or 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 who has 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.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator (“PRRC”) to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only may be made by phone, in writing, or email. Requests for copies, or requests for inspection and copies must be made in writing, email, or in person and requestors must complete the Public Records Request Form. To make a request:
 - By Phone: Call 865-524-2911

- In Writing: Mail a completed Public Records Request form to:

Public Records Request Coordinator
Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017
- By Email: Email a completed Public Records Request form to:
openrecords@kub.org
- In Person: Obtain a Public Records Request form at a KUB Payment Center at 4218 Asheville Hwy. or 4428 Western Ave.

C. Proof of Tennessee citizenship by presentation of a state of Tennessee issued photo identification (ID only) card or Driver's License is required as a condition to inspect or receive copies of public records.

D. Knoxville Utilities Board provides access to Board of Commissioner meeting agendas, schedules and minutes, financial documents, Rules and Regulations on our website. To access these records and others, please visit www.kub.org.

III. Responding to Public Records 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 requestor provided evidence of Tennessee citizenship;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If KUB 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 any of the following:
 - i. Requirement for 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 requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity.

- iii. An exemption makes the record not subject to disclosure under the TPRA. **The PRRC will provide the exemption in the written denial letter.*
 - iv. KUB is not the custodian of the requested records.
 - v. 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.
 - 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.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the Office of Open Records Counsel (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 shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form, based on the form developed by the OORC.
3. If a records custodian 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 records custodian 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 shall be provided as expeditiously as practicable. If appropriate, the records custodian shall 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 will 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 will coordinate with counsel or other appropriate parties regarding review and redaction of records.
2. Whenever a redacted record is provided, a records custodian shall provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. 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 KUB shall be determined by either the PRRC or the records custodian.
- 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.

V. Copies of Records

- A. A records custodian 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 records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service or other means of delivery as deemed necessary.
- D. A requestor will be allowed to make copies of records with personal equipment.
- E. If a person makes two or more requests to view a public record within a six-month period and, for each request, the person fails to view the public record within fifteen business days of receiving notification the record is available to view, KUB is not required to comply with any public records request from the person for a period of six months from the date of the second request unless the records custodian determines failure to view the public record was for good cause.

VI. Fees and Charges and Procedures for Billing and Payment

- A. No charges will be assessed for copies unless the total cost of copies and labor exceed \$5.00.
- B. PRRC shall provide requestors with an itemized estimate of the charges on the Public Records Request Estimated Cost Form prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. Fees and charges 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. Actual production cost for oversized paper, flash drive, cd or other item used to produce copies.
 - 4. Labor when it exceeds 2 hours.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
 - 6. KUB will charge a reasonable fee for the reproduction of any KUB public record that has commercial value as allowed by state law.
- D. Payment may be made in cash or by check payable to Knoxville Utilities Board presented to the PRRC.

E. Copies of records will not be released until payment is received.

1. If a person makes a request for copies of a public record and, after copies have been produced, the person fails to pay to the records custodian the cost for producing such copies, the records custodian is not required to comply with any public records request from the person until the person pays KUB for such copies if the records custodian provided the person with an estimated cost for producing the copies prior to producing the copies and the person agreed to pay the estimated cost for such copies.

VII. Waiver of Rules for Access to Public Records

- A. **Customers or Employees:** Customers or employees requesting to inspect their own records will not be subject to the rules requiring a formal request and cost recovery, but shall be required to supply proper identification before access to the records is allowed.
- B. **Law Enforcement Agencies:** Requests for inspection of public records by law enforcement agencies via subpoena or other means are not subject to the rules requiring a formal request and cost recovery, and will be submitted to the PRRC.

VIII. Amendment Authority

In accordance with Resolution 1358, the Board's Audit and Finance committee has the authority to amend this policy to maintain compliance with state law and protect KUB's interest as permitted by state law. The President and CEO has authority to adopt additional procedures as may be necessary to guide employees in their responsibilities for adhering to this policy.

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PUBLIC RECORDS REQUEST FORM
Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017

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.

Mail To: Public Records Request Coordinator or **Email To:** openrecords@kub.org
Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017

From: _____

Requestor's Full Name Address Phone Number
(Please include an address for any TPRA required written response)

Are you a Tennessee citizen? Yes No; ID verified by Emp. # _____

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only.)

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

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PUBLIC RECORDS REQUEST RESPONSE FORM

Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017
[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) 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]

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PUBLIC RECORDS REQUEST ESTIMATED COSTS FORM

Knoxville Utilities Board
P.O. Box 59017
Knoxville, TN 37950-9017

[Date]

[Requestor's Name and Contact Information]:

When KUB is asked to reproduce its records, the actual cost to reproduce the requested public records will be charged to the requesting party. The reproduction charge will include KUB's cost to copy the records and the labor cost to research and retrieve the information. The minimum copy charge for record reproduction is in accordance with the State of Tennessee Office Of Open Records Counsel's Schedule of Reasonable Charges, Tenn. Code Ann. §8-4-604. Requests requiring more than two hours to fulfill will be charged an hourly labor cost to provide the information requested.

Fees and charges 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. Actual production cost for oversized paper, flash drive, cd or other item used to produce copies.
4. Labor when it exceeds 2 hours.
5. If an outside vendor is used, the actual costs assessed by the vendor.

In response to your records request received on [Date Request Received], we have estimated the following costs for copies and/or labor:

Copies: _____

Labor: _____

Total: _____

If you have any questions regarding your cost estimate, please contact [Records Custodian or Public Records Request Coordinator].

Sincerely,

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