



The University of  
Memphis

## GE2012 - Public Records - Inspecting and Copying

Issued: Jun-12-2017

Responsible Official: President

Responsible Office: Legal Counsel

### POLICIES

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#### Purpose

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This policy is intended to ensure that all requests for public records are handled in an efficient and timely manner, without undue disruption to the operations of the University.

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#### Procedures

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##### Responsible Office

The University's Office of Legal Counsel (OLC) is responsible for receiving and responding to all requests for public records. Within OLC, the Public Records Request Coordinator (PRRC) coordinates the University's responses to public record requests and maintains documentation of public records requests, responses and fees. The Legal Affairs Coordinator in OLC is the designated PRRC.

##### Instructions for Requestors

Persons requesting to inspect records or receive copies of a record are required to provide proof of Tennessee residency with a valid photo ID, which includes the person's address (i.e., driver's license).

To submit a request for records the requestor may either:

1. Submit the request in person and complete the request form ([http://bf.memphis.edu/hr/formspub\\_records.pdf](http://bf.memphis.edu/hr/formspub_records.pdf));
2. Submit the request by email to [openrecordsrequest@memphis.edu](mailto:openrecordsrequest@memphis.edu); or
3. Mail the request to:  
Public Records Request Coordinator  
Office of Legal Counsel  
University of Memphis  
201 Administration Building



Memphis, TN 38152

The open records request(s) must be sufficiently detailed to enable the University to identify the specific records to be located and copied. When a record request is unclear as to the records being requested, the requestor will be contacted in an effort to clarify and/or narrow the request.

Custody of the original records will not be relinquished. No records shall be produced or copied in a form to further a commercial business or similar purpose (i.e., mailing and/or telephone list, special format on computer disk, etc.) All confidential information will be redacted prior to release or inspection. Electronic records will be produced in PDF format.

A requestor is prohibited from bringing his/her own copying equipment (e.g., cell phone, camera, hand held scanner, laptop, etc.) to make copies.

### **Responses to Requests**

The OLC will respond to all requests to inspect and/or copy records within seven (7) business days and include one of the following responses to the requestor:

1. The records are ready for inspection and/or copying;
2. A denial of the request, which will include the basis for denying the request; or
3. An estimate of the time needed to produce the records for inspection and/or copying.

All efforts will be made to provide the records within a reasonable period of time, taking into consideration the number of records requested, the location of the records, the medium in which the records are stored, the need for legal review, and the need to redact confidential information.

### **Fees/Charges**

- A. No fees or charges will be assessed for inspection of records.
- B. An estimate of the fees and charges, when reasonable, will be provided to the requestor. Payment in full of the actual costs must be made prior to the release of requested copies.
- C. Fees

1. The charge for paper copies is fifteen (15) cents per page for standard letter and legal pages. The price per copy for larger documents (such as blueprints and other specialized documents) is the actual cost.
2. Any actual delivery costs incurred by the University, such as postal fees, etc., will be added to the final bill. The requestor will have the option to have the requested records available for on-site pick-up, sent electronically (depending on the size), or mailed. There will be no copying charge applied to records sent electronically. However, labor/programming charges may apply.
3. Acceptable forms of payment for costs are cash or a check made out to the University of Memphis. Credit card payments are acceptable, if paying in person, and will be processed at the Bursar's Office during business hours.

#### D. Charges

1. Labor Charges. Labor is the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the record. The University will not charge for the time of its employee(s) if responding to a request that required less than a total of one (1) hour of employee time.
2. Programming Charges. Programming is the time reasonably necessary to extract information requested from a database.
3. All labor and/or programming charges must be paid by the requestor to obtain a copy of the record. A receipt upon payment of the fees and charges will be provided.

#### Waiver of Costs

1. In cases where the cost of the total production, including copies, labor/programming charges, and delivery is less than \$15.00, the cost will be waived.
2. UOM will waive costs for current or former employees who are requesting copies of their own personnel files when they provide a flash drive or disk with sufficient memory to transfer the file. If the request is for a hard copy of the file, then the current or former employee will



be responsible for costs associated with producing the file.

### **Aggregation of Frequent and Multiple Requests**

The University will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the Office for Open Records Council (OORC) when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

When the total number of requests made by a requestor(s) during a calendar month exceeds four (4), the requestor shall be charged a fee for all labor that is reasonably necessary to produce copies of the requested records. The requestor(s) shall not be entitled to one (1) free hour of labor before additional costs are assessed.

Requests for items that are routinely released and readily accessible, such as agendas and approved board minutes from the University's Board of Trustees (BOT) held during previous calendar month, are exempt from this Aggregation of Frequent and Multiple Requests policy provision.

The OLC will be responsible for making the determination if a group of individuals are working in concert. The OLC will 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

### **Instructions for University Personnel**

It is the responsibility of all University personnel to recognize that no request for University records by the public should be ignored or refused. **Always** consult with OLC.

If a request is made directly to a University office, University personnel shall promptly contact the PRRC designated above, in OLC. University personnel are reminded that any legal discovery or process involving the University including a subpoena or summons, should also be referred to the OLC without delay. For certain types of routine requests, after consultation with the OLC, the University office may be permitted to respond directly to the requestor.

### **Employee Records**

When a public records request is made to examine the personnel file of a current employee, the employee will be notified that

such a request was made and who made the request. Performance evaluations are not included and the confidential information in the file is redacted prior to inspection. A human resources representative or an appropriate designee may be present during the review of the record

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## Related Forms

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### **Request Form to Inspect/Copy Public Records**

[http://bf.memphis.edu/hr/forms/pub\\_records.pdf](http://bf.memphis.edu/hr/forms/pub_records.pdf)

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## FAQs

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### **Who is the Public Records Request Coordinator?**

The Public Records Request Coordinator (PRRC) is the Legal Affairs Coordinator in the Office of Legal Counsel, 201 Administration Building and can be contacted at (901) 678-2155 or at [openrecordsrequest@memphis.edu](mailto:openrecordsrequest@memphis.edu).

### **I am a non-resident of Tennessee. Can I obtain records through the Tennessee Public Records Act (TPRA)?**

If you are a resident of the State of Tennessee you may request public records through the TPRA. The Tenn. Code Ann. §10-7-503 et seq., grants Tennessee residents the right to inspect public records.

### **I am a Tennessee resident. What identification will I need to provide to make an open records request?**

If requesting in person the requestor will need to show proof of Tennessee residency by presentation of a valid photo ID, which includes the person's address (i.e. driver's license). Requesting by email or correspondence, a copy of the Tennessee residency ID will need to be included with the request.

### **What do I do if I receive an open records request?**

**Immediately** forward the request to the PRRC in OLC, 201 Administration Building, or to [openrecordsrequest@memphis.edu](mailto:openrecordsrequest@memphis.edu).

### **Where can I get additional information about open records/**

Additional information can be found on the website of the Tennessee Comptroller of the Treasury - Office of Open Records Counsel at <http://www.comptroller.tn.gov/openrecords/>.

**Can I get a copy of a student record?** Student educational records are protected under the Family Educational Rights Privacy Act (FERPA) and are not subject to open records. For additional information, go to the Registrar's website at <http://www.memphis.edu/registrar/>.

**Links**

**Resources**

Office of Legal Counsel Open Records:  
<http://www.memphis.edu/legal/openrecords/index.php>

Tennessee Comptroller of the Treasury - Office of Open Records Counsel: <http://www.comptroller.tn.gov/openrecords/>

**Cross - References**

T.C.A. § 10-7-503 Records open to public inspection - Schedule of reasonable charges - Costs

T.C.A. § 10-7-504 Confidential records - Exceptions

**Revision Dates**

Jun-12-2017  
(Working Policy Number: 1616)

UM1616 Rev.2 -- updated August 26, 2009  
UM1616 Rev.1 -- updated January 25, 2008  
UM1616 - Issued: January 28, 2005 supercedes policy number 1:2A:15:01

**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Research	Student Affairs
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>