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## MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY

### POLICY MANUAL

Subject:	Public Records Requests		Part 100:	General Administrative
Policy No.:	111		Supersedes:	NEW
Date:	07/01/17		Dated:	N/A

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#### 1. General

- a. This policy is designed to comply with the Tennessee Public Records Act (“TPRA”) and balance the Authority’s need to operate efficiently and protect confidential information with the public’s right to access public records.
- b. The Authority shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records, while simultaneously protecting the integrity and organization of the records and the efficient and safe operation of the Authority.
- c. This policy shall be applied consistently, except as otherwise provided by federal laws or regulations applicable to airports or in the rules and regulations or standard operating procedures of the Divisions/Departments that maintain personnel records and sensitive security information.
- d. For purposes of this policy, the following terms shall have the stated meaning:
  - (1) *Public records* means 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, or as otherwise defined by the TPRA.
  - (2) *Public Records Request Coordinator (“PRRC”)* means an employee of the Authority who is designated by the President to review and respond to all public records requests in accordance with this policy.
  - (3) *Records Custodian* means the employees of the Authority who are lawfully responsible for the direct custody and care of public records, but not necessarily the original preparer or receiver of the records, or are otherwise designated by the supervising authority of the various Divisions/Departments to perform the responsibilities of a records custodian in accordance with this policy.

(4) *Requestor* means a person seeking access to public records, whether it is for inspection or duplication.

(5) *Tennessee Public Records Act ("TPRA")* means the state law that mandates that all public records shall, at all times during business hours, be open for personal inspection by any citizen of this state, who shall not be refused such right, unless otherwise provided by state law.

## 2. Requesting Public Records

a. Requests for inspection or duplication of public records shall be submitted to the Public Records Request Coordinator ("PRRC") to ensure public records requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.

b. Requests for duplication of public records shall be made by:

(1) Submitting the request through the Authority's internet portal at [www.flymemphis.com/PublicRecords](http://www.flymemphis.com/PublicRecords);

(2) Emailing the request to [PublicRecords@flymemphis.com](mailto:PublicRecords@flymemphis.com);

(3) Calling the PRRC at (901) 344-1615;

(4) Sending mail through the U.S. Postal Service to, or making a hand-delivery at, the Authority's administrative office located at 2491 Winchester Road, Suite 113, Memphis, TN 38116;

(5) Using an overnight service to deliver the request to 4121 Runway Road, Memphis, TN 38118, (901) 922-8000; or

(6) Personally appearing at the physical address for mailing and delivering requests during normal business hours.

c. Requests for inspection of public records may be made by any method available for requesting duplication of public records established in this policy, but are not required to be submitted in writing.

d. The Authority accepts public records requests from citizens of this state, various media outlets, and respondents requesting records related to a competitive process that the respondent participated in. Citizens of this state shall provide proof of Tennessee citizenship by presenting for visual inspection a valid Tennessee driver's license, even if issued for identification purposes only, or student ID from a Tennessee school.

- e. In coordination with the Authority's Records Management Coordinator, the PRRC shall identify frequently requested public records and establish a process for same to be posted on the Authority's website, where practicable.

### 3. Responding to Public Records Requests

#### a. Public Records Request Coordinator

- (1) The Public Records Request Coordinator (PRRC) shall be the Authority's Customer Relations Program Manager, who may be contacted through all available methods established herein for requesting access to public records. At least annually, the PRRC shall report to the Board as to the Authority's compliance with this policy and any changes to this policy as deemed necessary.
- (2) The PRRC shall review all public records requests and make an initial determination as to whether (i) the records requested are described with sufficient specificity to identify them, (ii) the Authority is the custodian of the records, and (iii) the requestor provided evidence of Tennessee citizenship, if required. The PRRC shall also consult with the Authority's General Counsel if requested records are related to pending or potential litigation.
- (3) The PRRC shall acknowledge receipt of all public records requests in writing and advise the requestor of the contents of this policy and the appropriate course of action to be taken based on the PRRC's initial assessment of the request.
- (4) The PRRC may contact the requestor to (i) see if the request can be more specifically described or narrowed, (ii) obtain evidence of Tennessee citizenship, if required, or (iii) advise the requestor of the correct governmental entity having custody of the records and the name of that entity's PRRC, if known.
- (5) All requests that meet the requirements of the initial determination made by the PRRC shall be considered a valid public records request and forwarded to the appropriate Records Custodian for further processing.
- (6) Public records requests shall be denied in writing by the PRRC or Records Custodian based on appropriate grounds such as (i) the requestor is not, or has not presented evidence of, Tennessee citizenship, if required, (ii) the request lacks specificity or, after offering to assist, the requestor failed to clarify or narrow the request, (iii) a stated exemption makes the record not subject to disclosure under the TPRA due to confidentiality or other reason, (iv) the Authority is not the custodian of the requested records, or (v) the records do not exist.

b. Records Custodian

- (1) The PRRC shall at all times maintain a list of the Authority's Records Custodians, who shall be responsible for copying public records and making them available for inspection in accordance with this policy. Records Custodians shall promptly make requested public records available, but shall consult with the PRRC or General Counsel if uncertain whether a particular exemption applies.
- (2) The Records Custodian may find that additional time is needed 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; to segment the production of a large volume of records or records stored in multiple locations; or for other similar reasons. If so, the Records Custodian shall send written notice to the requestor within seven (7) business days from the Records Custodian's receipt of the request advising of the circumstances and the anticipated date on which the records will be made available. When appropriate, the Records Custodian may contact the requestor to see if the request can be narrowed.
- (3) If it is discovered that public records responsive to a particular request were inadvertently omitted, the Records Custodian shall promptly contact the requestor concerning the omission and produce the records as quickly as practicable.

c. Redaction

- (1) The Records Custodian shall prepare a redacted copy of all records that contain confidential information or information that is not open for public inspection prior to providing access to the records. Questions concerning redaction shall be coordinated by the Records Custodian in consultation with the PRRC, General Counsel or other appropriate party.
- (2) The Records Custodian should provide the requestor with the basis for producing a record with redacted information, the basis of which shall be general in nature and not disclose confidential information.

d. Inspection of Records

- (1) Records Custodians are responsible for continuously monitoring individuals while they inspect the Authority's public records. The location for inspection of such records shall be determined by the Records Custodian, in coordination with the PRRC, based on the location of the records and availability of staff. Under reasonable circumstances, the PRRC or Records Custodian may require an appointment for inspection of records.

- (2) If a requestor makes two (2) or more requests to view a public record within a six-month period and, for each request, the requestor fails to view the public record within fifteen (15) days of receiving notification that the record is available to view, the Authority is not required to comply with any public records request from the requestor for a period of six (6) months from the date of the second request to view the public record unless the Authority determines the failure to view the public record was for good cause.

e. Duplication of Records

- (1) Each Records Custodian shall promptly copy requested public records in the most economical and efficient manner practicable and make them available to the requestor by one of the following methods: (i) email to requestor, (ii) United States Postal Service or overnight delivery to requestor's home address, postage prepaid by requestor, or (iii) pickup by requestor at a location to be determined by the Records Custodian.
- (2) In order to preserve the integrity of public records, to prohibit dissemination of confidential information, and to protect the Authority's network, a requestor will not be allowed to make copies of records with personal equipment, which includes, but is not limited to, cellular devices, external drives, and copy machines.
- (3) If a requestor makes a request for copies of a public record and, after the copies have been produced, the requestor fails to pay the Authority for the cost of producing such copies, the Authority is not required to comply with any further public records requests until the requestor pays for such copies; but only if the requestor was given an estimated cost for producing the copies prior to the Records Custodian actually producing the copies and the requestor agreed to pay the estimated cost for such copies.

4. Fees and Payment

- a. The fees established herein shall not be used to hinder access to public records and shall be applied consistently. The Authority will follow the schedule of fees and charges established by the Tennessee Office of Open Records Council ("OORC"), which is incorporate herein by reference, where this policy is silent or is otherwise provided for herein.
- b. There shall be no charge for inspection of public records, unless otherwise required by law.
- c. Records Custodians shall provide requestors with an itemized estimate of the fees for making copies of public records, determine if the requestor wants to pay a lower fee by having records that exist in color copied in black and white, and collect any applicable advance payment. There shall be no charge for copies of letter or legal

size public records of less than twenty (20) pages or public records that are available electronically and can easily be transmitted by electronic mail.

- d. The fees for copying public records subject to such fees shall be as follows:
  - (1) \$0.15 per page for letter- and legal-size black and white copies, including each side of a duplex copy
  - (2) \$0.50 per page for letter- and legal-size color copies, when requested and available in color
  - (3) Actual costs assessed by an outside vendor utilized to duplicate public records; including, but not limited to, large quantities, technical documents, maps, plats, and records that cannot be duplicated using the Authority's equipment
  - (4) Actual cost of flash drives, DVDs, CDs or similar storage devices used to provide electronically stored public records and the applicable per page fee for such records to be printed for redaction and rescanned for transmission to the requestor
- e. Labor fees will be assessed at the lowest practicable hourly wage when time exceeds two (2) hours. Labor is the time in hours reasonably necessary to produce requested records and includes time spent locating, retrieving, reviewing, redacting, and reproducing records.
- f. Other fees may be charged to the requestor to recover costs incurred by the Authority, such as fees for retrieving records from archives or another office and postage or delivery fees for sending the requested public records to the requestor.
- g. When fees for copies and labor do not exceed \$20.00, the fees may be waived by the PRRC. Requests for waivers of fees above \$20.00 shall be presented to the Director of Strategic Marketing and Communications/PIO, who is authorized to determine if such waiver is in the best interest of the Authority and for the public good.
- h. Payment in advance or a deposit in an amount to be determined by the PRRC shall be required when fees are estimated to exceed \$50.00.
- i. Payment of fees shall be accepted in cash, by personal check or by certified check made payable to the Memphis-Shelby County Airport Authority and presented to the Records Custodian, who shall submit same to the Authority's Manager of Finance. If the Authority has the appropriate technology, payment may be accepted by credit card.

## 5. Aggregation of Frequent and Multiple Requests

- a. The Authority may aggregate public record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC, which is incorporated herein by reference, when more than four (4) requests for the same or similar records are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
- b. Public records requests shall be aggregated for all Divisions/Departments of the Authority.
- c. The PRRC is responsible for making the determination that a single individual or a group of individuals are working in concert. The PRRC shall inform the individual or group of individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
- d. Routinely released records that are accessible on the Authority's website, [www.flymemphis.com](http://www.flymemphis.com), are excluded from aggregation and include, but are not limited to, minutes and resolutions of the Board, annual financial reports, and various technical reports, rules and regulations, and program plans. Other readily accessible records excluded from aggregation are incident reports and solicitation requests.

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