



Office of the Clerk of Criminal Court
Thirtieth Judicial District of Tennessee at Memphis
Heidi Kuhn, Clerk

**PUBLIC RECORDS POLICY FOR THE
SHELBY COUNTY CRIMINAL COURT CLERK'S OFFICE**

Pursuant to Tennessee Code Annotated (TCA) § 10-7-503(g), the following Public Records Policy is hereby adopted by the Shelby County Criminal Court Clerk's Office (CCCO) to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (TPRA) in TCA § 10-7-503, et seq. All public records requests shall go through the CCCO Public Records Request Coordinator (PRRC).

The TPRA provides that all state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, 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 Criminal Court Clerk's Office are presumed to be open for inspection unless otherwise provided by law.

Personnel of Shelby County Criminal Court Clerk's Office 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 Shelby County Criminal Court Clerk's Office, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Shelby County Criminal Court Clerk's Office or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of Shelby County Criminal Court Clerk's Office. This policy is available for inspection and duplication in the office of the PRRC during regular business hours and online at www.criminalcourtkuhn.com.



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I. Definitions

- A. Records Custodian: The office, official, or 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. This does not include the device or equipment that may have been used to create or store the record. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, 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”) or his/her designee in order 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 in writing or orally. The PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made in writing via the website at www.criminalcourtclerkkuhn.com/recordsrequest, via email at criminalcourt.pio@shelbycountyttn.gov, or orally at 201 Poplar, 3rd Floor, Memphis, TN 38103, Monday – Friday, between 9:00 – 4:00 p.m.



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- D. Requests for copies, or requests for inspection and copies can be made orally or in writing to: Public Information Officer, Office of the Criminal Court Clerk, 201 Poplar Ave., 3rd Floor, Memphis, TN 38103, via the website at www.criminalcourtkuhn.com, or at criminalcourt.pio@shelbycountyttn.gov.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect and/or receive copies of public records.
- F. All requests must be specific as to the record(s) desired by name, serialization, or other unique characteristic of the case(s) or record(s). The Criminal Court Clerk's Office does not provide generalized research, analytical, statistical, or other measured data compiled as a result of a review of cases, files, or other records. The CCCO will not create or re-create records that do not exist at the time of the request.

III. Responding to Public Records Requests

A. Public Records 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 the CCCO is the custodian of the records.
- 2. The PRRC shall acknowledge receipt of the request within seven (7) business days and take any of the following appropriate action(s):
 - a. Advise the requestor of this policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees, including labor and redaction costs; 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. The CCCO will attempt to assist in clarifying the request.
 - iii. An exemption makes the record not subject to disclosure under the TPRA. Such exemption will be provided in a written denial.
 - iv. The CCCO is not the custodian of the requested records.



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- v. The records do not exist.
- c. If appropriate, contact the requestor to see if the request can be narrowed.
- d. Where applicable, may assist the records requestor in finding the appropriate records custodian in a different office.
- 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 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 suitable correspondence.
3. If a records custodian denies a public record request, he or she shall deny the request in writing.
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 notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian will contact the requestor to determine if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.



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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. No record may be copied or inspected without first determining whether any confidential material within the record exists and must be redacted. If questions arise concerning redaction, the records custodian should coordinate with counsel, the PRRC, other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC, or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, a records custodian should 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 Criminal Court Clerk's Office shall be determined by either the PRCC 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. The PRRC may require that the inspection be conducted in the presence of PRRC or other staff. Inspection of records will be based on the availability of the PRRC and/or other staff.

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 or PRRC.
- C. Upon payment for postage or shipping, copies will be delivered at the requestor's designated address by the United States Postal Service or other delivery service. Records may also be delivered by electronic means where appropriate. The CCCO is not responsible for lost or damaged copies of public records when delivered by the United States Postal Service or other delivery service.



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- D. A requestor will not be allowed to make copies of records with personal equipment.
- VI. Fees and Charges, Procedures for Billing and Payment**
- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. The PRRC or records custodian shall provide requesters with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$15.00, the fees may be waived. Request for waivers for fees above \$15.00 must be presented to the PRRC who is authorized to determine if such waiver is in the best interest of the CCCO and for the public good. Fees associated with aggregated records requests will not be waived.
- D. Fees shall be based on the following schedule:
1. \$0.50 per page for letter-sized and legal-sized black and white copies.
 2. \$1.00 per page for letter-sized and legal-sized color copies.
 3. \$15.00 per CD, other electronic media used to provide records.
 4. Flash-drives
 - a. \$15.00 each – Up to 128GB
 - b. \$18.00 each – 256GB
 - c. \$27.00 each – 512GB
 - d. \$31.00 each – 1TB
 5. \$18.00 retrieval fee.
 6. Labor when production time exceeds 1 hour. This rate may vary and will be determined based on the hourly rate of pay the lowest-paid employee engaged in the particular task of each step of the production process; i.e. a lower-paid employee may be assigned to complete a task of producing copies while a higher-paid employee may be tasked to perform any redactions. The time necessary to copy will be charged at the lower rate of pay; the time necessary to complete the redactions will be charged at the higher rate of pay.



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7. If an outside vendor is used, the actual costs assessed by the vendor.
 8. Payment is to be made by business check, cashier's check or money order payable to the Criminal Court Clerk's Office and presented to the PRRC. Such payment shall be deposited by the Office within seven (7) working days.
- E. Payment must be tendered before copies of records will be provided.
- F. Aggregation of Frequent and Multiple Requests.
1. The CCCO may aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the 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.
 2. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must 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.
 3. Routinely released and readily accessible records may be excluded from aggregation.

Shelby County Criminal Court Clerk's Office
201 Poplar Ave., Ste. 3034
Memphis, TN 38103
901.222.3200

Criminalcourt.pio@shelbycountyttn.gov
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CHARGES FOR INFORMATION PROVIDED

Charges for providing public information including special service charges should be assess as approved by the Shelby County Public Records Commission.

COPY CHARGE

<u>Service Rendered</u>	<u>Charge</u>
Standard size (8 ½ x 11 or 8 ½ x 14)	
B+W	\$0.25 per page
Color	\$0.50 per page
Nonstandard size	
Paper copy larger than standard	\$1.00 each
Flash Drive	
Up to 128GB	\$15.00 each
256GB	\$18.00 each
512GB	\$27.00 each
1TB	\$31.00 each
Personnel charge (including remote document retrieval, research and copying. (No charge if less than 15 minutes. Therefore, \$4.50 each quarter hour, including the first quarter hour.)	\$18.00 per hour
Other Costs	
Postage	Actual cost
Shipping	Actual cost
Other costs	Actual cost
A charge for programming is made if the request requires a programmer to enter data in order to execute an existing program	\$40.00