

PUBLIC RECORDS POLICY
FOR
CHANCERY COURT OF SHELBY COUNTY
CLERK AND MASTER'S OFFICE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Shelby County Chancery Court Clerk and Master's Office is hereby adopted by the Shelby County Chancery Court Clerk and Master 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 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 the Shelby County Chancery Court Clerk and Master's Office are presumed to be open for inspection unless otherwise provided by law.

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

This Policy is available for inspection and duplication in the office of the Shelby County Chancery Court Clerk and Master's Office. This Public Records Policy shall be posted online at <https://www.shelbycountyttn.gov/222/Chancery-Court>. This Policy shall be reviewed annually.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the Shelby County Chancery Court Clerk and Master's Office except the following case types of Shelby County Chancery Court, which have a separate public records policy pursuant to Tenn. Code Ann. §36-1-101, et seq.:

- a. Adoptions,
- b. Surrenders,
- c. Terminations, and
- d. Other Records Sealed by Order of the Court or by statute.

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. 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 person or by email 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 cannot be required to be made in writing. 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 or for copies of public records may be made by completing the appropriately attached Public Records Request Form(s) for either civil case information or tax sale/property information:

- a. in person at the:

Shelby County Chancery Court Clerk and Master's Office
Public Records Request Coordinator
140 Adams Ave., Rm. B48 or 308
Memphis, TN 38103, or

- b. online by email at the following email address:

Chancery.Records@shelbycountyttn.gov

- D. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or other government-issued identification may be required as a condition to inspect or receive copies of public records.

- E. Shelby County Chancery Court Clerk and Master's Office provides access to requests for court records online by email via its website found at <https://www.shelbycountyttn.gov/222/Chancery-Court>.

III. Responding to Public Records Requests

A. Public Record Request Coordinator ("PRRC")

1. The PRRC shall review public record requests whether online or in person 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 Shelby County Chancery Court Clerk and Master's Office 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 the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees (including labor 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. Requests by non-Tennessee citizens shall be treated in a similar manner as a copy request.
 - ii. The request lacks specificity. The Shelby County Chancery Court Clerk and Master's Office will attempt to provide clarification where possible.
 - iii. An exemption makes the record not subject to disclosure under the TPRA, which will be provided in writing.
 - iv. Shelby County Chancery Court Clerk and Master's Office 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 in the Shelby County Chancery Court Clerk and Master's 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.
3. The Shelby County Chancery Court Clerk and Master's Office's Public Records Request Coordinator may be contacted using the following information:

Shelby County Chancery Court Clerk and Master's Office
Public Records Request Coordinator
140 Adams Ave., Rm. B48 or 308
Memphis, TN 38103
901.222.3900-phone

Chancery.Records@shelbycountyttn.gov

4. The PRRC shall report to the Shelby County Chancery Court Clerk and Master, or the Clerk's designee, on an annual basis about the Shelby County Chancery Court Clerk and Master's Office's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

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 it is not practicable to promptly provide requested records because: (1) additional time is necessary to determine whether the requested records exist, (2) to search for, retrieve, or otherwise gain access to records, (3) to determine whether the records are open, (4) to redact records, or (5) 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 or written correspondence by mail or email.
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 in writing (whether using the Public Records Response Form, letter or email) 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 should 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 should 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 should coordinate with counsel or other appropriate parties regarding review and redaction of records.
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 office of the Shelby County Chancery Court Clerk and Master should be determined by either the PRRC or the records custodian.
- C. Depending on the nature of the record, a representative of Shelby County Chancery Court Clerk and Master may be present during the inspection of records, not for the purpose of intimidation, but in an effort to preserve and maintain the record being inspected.
- D. 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. All copies of public records are subject to fees and charges.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Where records exist in electronic format, they may be transmitted electronically upon request but are still subject to fees. Where the record exists in paper copy or

paper copies are requested, upon payment of copy fees and costs for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

A. While fees and charges for copies of public records should not be used to hinder access to public records, nonetheless copy fees for copies of all records of the Shelby County Clerk and Master's Office remain governed by T.C.A. §8-21-401 et. seq.

B. The PRRC or records custodians shall provide requestors with an itemized estimate of the charges in writing prior to producing copies of records and may require pre-payment of such charges before producing requested records.

C. Pursuant to T.C.A. §8-21-401 et. seq., copy fees are never waived.

D. Fees and charges for copies are as follows:

1. \$0.50 per page for letter- and legal-size black and white copies.
2. \$0.50 per page for letter- and legal-size color copies.
3. \$10.00 for CD, flashdrive, or other electronic media used to provide records.
4. Other fees as may be prescribed in Tennessee state law or regulation.
5. \$15.00 per hour in labor when time exceeds 1 hour.
6. If an outside vendor is used, the actual costs assessed by the vendor.

E. Payment shall be made in exact change, credit card, or by check or money order made payable to Shelby County Chancery Court Clerk and Master and presented to the records custodian or PRRC.

F. Payment in advance will be required when costs are estimated to exceed \$50.00.

I. Aggregation of Frequent and Multiple Requests

A. The Shelby County Chancery Court Clerk and Master's Office will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

- B. 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.
- C. Routinely released and readily accessible records excluded from aggregation are available at <http://www.shelbycountyttn.gov/222/Chancery-Court>.

PUBLIC RECORDS REQUEST FORM FOR CIVIL CASES*

To: Shelby County Chancery Court Clerk and Master's Office
Public Records Request Coordinator
140 Adams Ave., Rm. 308, Memphis, TN 38103
901.222.3900-phone
CHNCIVILPRRC@shelbycountyttn.gov

From: (Name) _____ (e-mail Address) _____
(Contact Phone #) _____ (Mailing Address) _____

Is the requestor a Tennessee citizen? Yes No

Request: Inspection Only (no fee)
 Copy/Duplicate (standard fee schedule applies - \$.50 per page)

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: _____ and you will be contacted.

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 Electronic Other: _____

Records Requested:

Provide a sufficiently detailed description of the record(s) requested, including: (1) type of record. If the records request is a document from a case file, please provide the case number; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. List the case documents you are requesting. _____

Signature of Requestor
Date Submitted ___ / ___ / _____

Signature of Public Records Request Coordinator
Date Received ___ / ___ / _____

**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.*

PUBLIC RECORDS REQUEST FORM FOR TAX SALE PROPERTY AND CASES*

To: Shelby County Chancery Court Clerk and Master's Office
Public Records Request Coordinator
140 Adams Ave., Rm. 308, Memphis, TN 38103
901.222.3900-phone
CHNCTAXPRRC@shelbycountyttn.gov

From: (Name) _____ (e-mail Address) _____
(Contact Phone #) _____ (Mailing Address) _____

Is the requestor a Tennessee citizen? Yes No

Request: Inspection Only (no fee)
 Copy/Duplicate (standard fee schedule applies - \$.50 per page)

If costs for copies are assessed, the requestor has a right to receive an estimate. The estimate for the following tax sales have already been calculated. They are as follows:

TRD 9486 (Tax Sale 0801) \$57.00; TRD 9486 (Tax Sale 0802) \$63.00; TRD 9486 (Tax Sale 0803) \$136.00; TRD 9486 (Tax Sale 0804) \$87.00; TRD 9488 (Tax Sale 0901) \$90.00; TRD 9488 (Tax Sale 0902) \$79.50; TRD 9488 (Tax Sale 0903) \$93.00; TRD 9490 (Tax Sale 1001) \$24.50; TRD 9490 (Tax Sale 1002) \$179.00; TRD 9490 (Tax Sale 1003) \$78.00; TRD 9490 (Tax Sale 1004) \$81.00; TRD 9492 (Tax Sale 1101) \$170.00; TRD 9492 (Tax Sale 1102) \$67.50; TX 2014 (Tax Sale 1201) \$120.50; TX 2014 (Tax Sale 1202) \$57.50; TX 2014 (Tax Sale 1203) \$166.50; and, TX 2014 (Tax Sale 1204) \$81.50. Tax Sales after TX 2014 are available on our website and do not require a request or an estimate.

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 Electronic Other: _____

Records Requested:

Please supply the tax sale(s) listed above for which you are requesting a copy:

(1) _____ (2) _____ (3) _____ (4) _____

If you are requesting information for a particular parcel in a tax sale, please provide the parcel number of the property and the address of the property.

Signature of Requestor _____
Date Submitted ____ / ____ / _____

Signature of Public Records Request Coordinator _____
Date Received ____ / ____ / _____

**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.*

PUBLIC RECORD REQUEST RESPONSE FORM (*SAMPLE*)
Shelby County Chancery Court Clerk and Master's Office
140 Adams Ave., Rm. 308 or B48
Memphis, TN 38103

[Requestor's Name and Contact Information]:
[Date]

In response to your records request received on [Date Request Received], our office is taking the action(s) indicated below (If all requested records do not have the same response, so indicate.):

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 Clerk and Master's Office; 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]