

**MURFREESBORO CITY SCHOOL BOARD POLICY**

<b>Descriptor Term:</b>  <b>EMPLOYEE NAMES AND ADDRESSES</b>	<b>Descriptor No:</b>  <b>PER 23</b>	<b>Date Adopted:</b>
	<b>Reviewed/Revision Adopted:</b>  <b>6/00; 8/01; 4/12</b>	

1 A list of employee names and the county and city of residence will be provided to Tennessee  
2 citizens making a request upon payment for such records in accordance with applicable state law.

3  
4 Pursuant to T.C.A. §10-7-504(f), members of the public may not obtain the following:

- 5  
6 1. an employee's home telephone and personal cell phone numbers;  
7 2. bank account and individual health savings account, retirement account and pension  
8 account information provided financial records of a MCS employee that show the  
9 amounts and sources of contributions to the accounts or the amount of pension or  
10 retirement benefit provided to the employee or former employee by MCS are not  
11 confidential;  
12 3. residential street address;  
13 4. social security number; or  
14 5. driver license information except where driving or operating a vehicle is part of the  
15 employee's job description or job duties or incidental to the performance of the  
16 employee's job

17  
18 unless release of any of the information set forth above is expressly authorized by the employee.

19  
20 The cost for copies of documents shall be in accordance with the "Schedule of Reasonable  
21 Charges for Copies of Public Records" developed by the Tennessee Office of Open Records  
22 Counsel.

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27 \_\_\_\_\_

28 Legal References:  
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30 T.C.A. 10-7-504  
31 Tennessee Office of Open Records Counsel Schedule of Reasonable Charges for Copies of  
32 Public Records

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36 **Instructions for Records Custodians Regarding the**  
37 **Schedule of Reasonable Charges for Copies of Public Records**  
38

39  
40 The Office of Open Records Counsel (“OORC”) released its schedule of reasonable charges  
41 (“schedule”) for copies of public records, available for download at  
42 [www.comptroller.state.tn.us/openrecords](http://www.comptroller.state.tn.us/openrecords). Public Chapter 1179, Acts of 2008, required the  
43 OORC to establish the schedule which a records custodian may use as a guideline to charge a  
44 citizen requesting copies of public records pursuant to the Tennessee Public Records Act,  
45 T.C.A. Sections 10-7-501 et seq.  
46

47 T.C.A. Section 10-7-503(a) as amended by Public Chapter 1179, Acts of 2008, effective July 1,  
48 2008, specifically states in (7)(A) that a records custodian may not charge for inspection of  
49 public records unless otherwise required by law. Until the schedule was developed, Section 10-  
50 7-503(a)(2)(C) allowed a records custodian to charge a requestor the actual costs incurred in  
51 producing a copy or duplicate, which could include any labor incurred after five (5) hours spent  
52 producing the requested material. With the development of the schedule, a records custodian is  
53 now authorized by TCA Section 10- 7-503(a)(7)(C)(1) to charge reasonable costs assessed in a  
54 manner consistent with the schedule. The schedule has a development date of October 1, 2008.  
55

56 All governmental entities must comply with T.C.A. Section 10-7-506(a) in order to charge for  
57 copies or duplication of public records requested pursuant to the Tennessee Public Records  
58 Act. Any governmental entity desiring to charge for copies or duplication in accordance with the  
59 schedule developed by the OORC should consult with legal counsel in order to ensure  
60 compliance with T.C.A. Section 10-7-506(a). Additionally, any governmental entity that desires  
61 to assess charges higher than those in the schedule for paper copies or duplication of public  
62 records or to charge for copies or duplication using a medium other than 8 1/2 x11 or 8 1/2 x14  
63 paper is permitted to do so as long as the entity can verify the charges represent its actual cost  
64 in producing the request and the charges are assessed in a manner consistent with OORC’s  
65 schedule. Charges established under separate legal authority are not governed by this  
66 schedule, and are not to be added to or combined with charges authorized under this schedule.  
67

68 The schedule sets as reasonable charges fifteen (\$0.15) cents for black and white photocopies  
69 on 8 1/2 x11 or 8 1/2 x14 paper and fifty cents (\$0.50) for color photocopies on 8 1/2 x11 or 8 1/2  
70 x14 paper. No standard fee is established for copies produced on medium other than that  
71 mentioned above, although guidance is given as to the components to be considered in  
72 establishing such copying or duplication charges. The schedule provides that a charge for labor  
73 may be assessed after one (1) hour is incurred producing the requested material and is in  
74 addition to the per page or medium charge.  
75

76 For questions about the schedule or to find out more about the Office of Open Records  
77 Counsel, please visit [www.comptroller.state.tn.us/openrecords](http://www.comptroller.state.tn.us/openrecords) or call (615) 401-7891 or 1-866-  
78 831-3750.  
79

80 Elisha Hodge, Open Records Counsel, Office of Open Records Counsel  
81 (615) 401-7891 [open.records@tn.gov](mailto:open.records@tn.gov)  
82

83  
84 Revised December 7, 2010  
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92 **SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS**  
93

94 [Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-  
95 4-604(a)(1) which requires the Office of Open Records Counsel (“OORC”) to establish a  
96 schedule of reasonable charges (“Schedule of Reasonable Charges”) which may be used as a  
97 guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public  
98 records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.) (“TPRA”).  
99 The Schedule of Reasonable Charges has a development date of October 1, 2008. Notification of  
100 the development was given to the Tennessee Code Commission on October 31, 2008. This  
101 Schedule of Reasonable Charges will be reviewed at least annually by the OORC.  
102

103 The TPRA grants Tennessee citizens the right to request a copy of a public record to which  
104 access is granted under state law. Public Chapter 1179 adds T.C.A. Section 10-7-503(a)(7)(A)  
105 which expressly prohibits a records custodian from charging a fee for inspection under the TPRA  
106 unless otherwise required by law. However, the TPRA in T.C.A. Section 10-7-506 does permit  
107 records custodians to charge for copies or duplication pursuant to properly adopted reasonable  
108 rules.  
109

110 This Schedule of Reasonable Charges should not be interpreted as requiring a records custodian  
111 to impose charges for copies or duplication of public records. If a records custodian determines  
112 to charge for copies or duplication of public records, such determination and schedule of charges  
113 must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the  
114 governmental entity’s governing authority. Application of an adopted schedule of charges shall  
115 not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to  
116 non- exempt, public records. A records custodian may reduce or waive, in whole or in part, any  
117 charge only in accordance with the governmental entity’s properly adopted written policy.  
118 Pursuant to Tennessee case law, a records custodian may also require payment for the requested  
119 copies or duplication prior to the production of the copies or duplication.  
120

121 **Copy Charges**

- 122 • A records custodian may assess a charge of 15 cents per page for each standard 8 1/2 x11  
123 or 8 1/2 x14 black and white copy produced. A records custodian may assess a requestor  
124 a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.  
125
- 126 • If a public record is maintained in color, the records custodian shall advise the requestor  
127 that the record can be produced in color if the requestor is willing to pay a charge higher  
128 than that of a black and white copy. If the requestor then requests a color copy, a records  
129 custodian may assess a charge of 50 cents per page for each 8 1/2 x11 or 8 1/2 x14 color  
130 copy produced.  
131
- 132 • If a records custodian’s actual costs are higher than those reflected above or if the  
133 requested records are being produced on a medium other than 8 1/2 x11 or 8 1/2 x14  
134 paper, the records custodian may develop its own charges. The records custodian must  
135 establish a schedule of charges documenting “actual cost” and state the calculation and  
136 reasoning for its charges in a properly adopted policy. A records custodian may charge  
137 less than those charges reflected above. Charges greater than 15 cents for black and  
138 white, and 50 cents for color, can be assessed or collected only with documented analysis  
139 of the fact that the higher charges actually represent such governmental entity’s cost of  
140 producing such material; unless there exists another basis in law for such charges.  
141
- 142 • The TPRA does not distinguish requests for inspection of records based on intended use,  
143 be it for research, personal, or commercial purposes. Likewise, this Schedule of

144 Reasonable Charges does not make a distinction in the charges assessed an individual  
145 requesting records under the TPRA for various purposes. Other statutory provisions, such  
146 as T.C.A. Section 10-7-506(c), enumerate fees that may be assessed when specific  
147 documents are requested for a specific use. Any distinctions made, or waiver of charges  
148 permitted, must be expressly permitted in the adopted policy.

#### 149 150 Additional Production Charges

- 151 • A records custodian shall utilize the most cost efficient method of producing the  
152 requested records.
- 153
- 154 • Delivery of copies of records to a requestor is anticipated to be by hand delivery when the  
155 requestor returns to the custodian's office to retrieve the requested records. If the  
156 requestor chooses not to return to the records custodian's office to retrieve the copies, the  
157 records custodian may deliver the copies through means of the United States Postal  
158 Service and the cost incurred in delivering the copies may be assessed in addition to any  
159 other permitted charge. It is within the discretion of a records custodian to deliver copies  
160 of records through other means, including electronically, and to assess the costs related to  
161 such delivery.
- 162
- 163 • If a records custodian utilizes an outside vendor to produce copies of requested records  
164 because the custodian is legitimately unable to produce the copies in his/her office, the  
165 cost assessed by the vendor to the governmental entity may be recovered from the  
166 requestor.
- 167
- 168 • If the records custodian is assessed a charge to retrieve requested records from archives or  
169 any other entity having possession of requested records, the records custodian may assess  
170 the requestor the cost assessed to the governmental entity for retrieval of the records.

#### 171 172 Labor Charges

- 173 • "Labor" is defined as the time reasonably necessary to produce the requested  
174 records and includes the time spent locating, retrieving, reviewing, redacting, and  
175 reproducing the records.
- 176
- 177 • "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to  
178 produce requested material for the **first hour** incurred by the records custodian in  
179 producing the material. A records custodian is not required to charge for labor or may  
180 adopt a labor threshold higher than the one reflected above.
- 181
- 182 • A records custodian is permitted to charge the hourly wage of the employee(s) reasonably  
183 necessary to produce the requested records above the "labor threshold." The hourly wage  
184 is based upon the base salary of the employee(s) and does not include benefits. If an  
185 employee is not paid on an hourly basis, the hourly wage shall be determined by dividing  
186 the employee's annual salary by the required hours to be worked per year. For example,  
187 an employee who is expected to work a 37.5 hour work week and receives \$39,000 in  
188 salary on an annual basis will be deemed to be paid \$20 per hour. Again, a records  
189 custodian shall utilize the most cost efficient method of producing the requested records.
- 190
- 191 • In calculating the charge for labor, a records custodian shall determine the number of hours  
192 each employee spent producing a request. The records custodian shall then subtract the  
193 one (1) hour threshold from the number of hours the highest paid employee(s) spent  
194 producing the request. The records custodian will then multiply the total number of hours  
195 to be charged for the labor of each employee by that employee's hourly wage. Finally,

196 the records custodian will add together the totals for all the employees involved in the  
197 request and that will be the total amount of labor that can be charged.

- 198
- 199 • Example: The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is  
200 \$20.00. Employee #1 spends 2 hours on a request. Employee #2 spends 2 hours on the  
201 same request. Because employee # 2 is the highest paid employee, subtract the one hour  
202 threshold from the hours employee #2 spent producing the request. Multiply the number  
203 of hours each employee is able to charge for producing the request by that employee's  
204 hourly wage and then add the amounts together for the total amount of labor that can be  
205 charged ( i.e.  $(2 \times 15) + (1 \times 20) = \$50.00$ ). For this request, \$50.00 could be assessed for  
206 labor.

207

208 Questions regarding this Schedule of Reasonable Charges should be addressed to the OORC.

209  
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