

CHA PUBLIC RECORDS POLICY



Adopted by Board of Commissioners on 6/21/17



Public Records Policy

PUBLIC RECORDS POLICY FOR THE CHATTANOOGA HOUSING AUTHORITY

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy ("Policy") for the Chattanooga Housing Authority ("CHA") is hereby adopted by the Board of Commissioners ("Board") of CHA 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, 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 CHA are presumed to be open for inspection unless otherwise provided by law.

No provisions of this Policy shall be used to hinder access to open public records. Personnel of CHA shall timely and efficiently refer requests for records to the Public Records Request Coordinator ("PRRC") for CHA. However, the integrity and organization of public records, as well as the efficient and safe operation of CHA, shall be protected as provided by current law. Concerns about this Policy should be addressed to the PRRC or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication at the Central Office of CHA located at 801 North Holtzclaw Avenue, Chattanooga, TN 37404 and online at www.chahousing.org. This Policy shall be reviewed annually and shall be applied consistently throughout the various offices, departments, and/or divisions of CHA.

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 PRRC 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 submitted to the PRRC in order to ensure public record requests are fulfilled in a timely manner.
- B. Using Form A, hereto attached, public record requests may be submitted as follows:
 - 1. In writing or in person to the PRRC at: CHA, 801 N. Holtzclaw Avenue, Chattanooga, TN 37404.
 - 2. By telephone to the PRRC at: (423) 752-4895. If requesting public records by telephone, the requestor must expressly identify themselves as a requestor as required by TPRA.
 - 3. By email to: iike@chahousing.org.
 - 4. By fax to the PRRC at: (423) 752-4895.
 - 5. 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. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license may be required as a condition to inspect or receive copies of public records.
- D. CHA will make certain records available online.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. Whether proof of Tennessee citizenship is required.
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If CHA 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. Whether proof of Tennessee citizenship is required;
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); 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. Proof of citizenship is required and the requestor is not, or has not presented evidence of being a Tennessee citizen.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA, providing the applicable exemption.
 - iv. CHA is not the custodian of the requested records.

- v. The records do not exist. CHA is not required to create a record that does 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 CHA.
 - 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 designated PRRC is:

Ijeoma Ike
P.O. Box 1486
Chattanooga, TN 37401
Email: iike@chahousing.org
Phone/Fax Number: (423) 752-4895
4. The PRRC shall report to the Board on an annual basis about CHA'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 from the PRRC, 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 records custodian may consult with the PRRC. The PRRC may consult with 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 provide the applicable reason to the PRRC who shall, within seven (7) business days from receipt of the request, send the requestor a completed Public Records Request Response Form, attached hereto as Form B, based on the form developed by the OORC.

3. If a records custodian determines that a public record request should be denied, he or she shall notify the PRRC who shall deny the request in writing as provided in Section III.A.2.b using Form B.
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 PRRC who shall utilize Form B to 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 PRRC 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 PRRC 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 PRRC shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the PRRC should coordinate with counsel or other appropriate parties regarding review and redaction of records.
2. Whenever a redacted record is provided, the PRRC 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 offices of CHA shall be determined by the PRRC.
- 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 will provide the requestor with the time, date, and location for inspection.

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

V. Copies of Records

- A. The PRRC 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 the office of the PRRC or as specified by the PRRC.
- C. Upon payment 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. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. The PRRC shall provide requestors with an itemized estimate of the charges utilizing the attached Schedule of Reasonable Charges for Copies of Public Records provided by the Office of the Open Records Counsel, Comptroller of the Treasury of Tennessee ("OORC"), attached hereto as Form C, 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 \$10.00, the fees will be waived. Requests for waivers for fees above \$10.00 must be presented to the PRRC who is authorized to determine if such waiver is in the best interest of CHA and for the public good. Fees associated with aggregated records requests will not be waived.
- D. Fees and charges for copies are as follows:
 - 1. \$0.15 per page for letter- and legal-size black and white copies.
 - 2. \$0.50 per page for letter- and legal-size color copies. The PRRC or records custodian shall advise the requestor that the record

can be produced in either color or black and white. The requestor must request a color copy before it is produced in color.

3. Labor when time exceeds one hour.
 - a. Labor costs will equal the hourly wage of the employee(s) reasonably necessary to produce the requested records, which shall be based upon the base wage of the employee not including benefits. If the employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked annually, e.g. an employee earning \$39,000 annually in salary who works a 37.5 hour week shall be deemed to be paid \$20 per hour.
 - b. In calculating the labor charge, the records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The records custodian will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the records custodian will add together the totals for all employees involved in the request and that will be the total amount of labor that can be charged.
4. If an outside vendor is used, the actual costs assessed by the vendor.
5. Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to retrieve the requested records. If the requestor chooses not to return to the PRRC's office to retrieve the copies, the PRRC may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of the PRRC and records custodian to deliver copies of the records through other means, including electronically, and to assess the costs related to such delivery.

- E. Payment is to be made in cash or by check payable to CHA and presented to the PRRC or records custodian.
- F. Payment in advance will be required when costs are estimated to exceed \$100.00.
- G. If a person makes a request for copies of a public record and, after copies have been produced, the person fails to pay CHA the cost for producing such copies, CHA is not required to comply with any public records request from that person until the person pays for such copies; provided that the person was provided with an estimated cost for producing the copies in accordance Section VI. B.
- H. Aggregation of Frequent and Multiple Requests
 - 1. CHA will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC, attached hereto as Form D, 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. When aggregating:
 - a. Record requests will be aggregated at the PRRC level.
 - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC 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. If requirements for aggregation are met, the PRRC is no longer required to deduct the one (1) hour free labor threshold.
 - d. Routinely released and readily accessible records are excluded from this policy of aggregation as determined by the PRRC.
- I. Safe Harbor
 - 1. It is the intent of CHA that Section VI complies with the provisions of the Schedule of Reasonable Charges and Reasonable Charges for Frequent and Multiple Requests Policy developed by the OORC and that all responses to record requests made to the various offices, departments,

and/or divisions of CHA comply with the policies developed by the OORC such that the Safe Harbor Policy established pursuant to T.C.A. § 8-4-604(a)(3) applies to CHA.

CHATTANOOGA HOUSING AUTHORITY

BOARD OF COMMISSIONERS

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JAMES H. LEVINE, VICE-CHAIRPERSON
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ELIZABETH F. MCCRIGHT
EXECUTIVE DIRECTOR

801 N. HOLTZCLAW AVENUE
CHATTANOOGA, TN 37404-1236
TEL (423) 668-2374
FAX (423) 668-2374
TN Relay Svc 711
www.chahousing.org

MAILING ADDRESS
P.O. BOX 1486
CHATTANOOGA, TN 37401-1486

INSPECTION/DUPLICATION OF RECORDS REQUEST

Requestor Instructions: To make a request for copies of public records fill in sections 1-5, and sign and date section 9 at the time the request is made. Requestors who are retrieving the requested records from the office of the records custodian in person should not sign and date section 11 until the records are received. Requestors who are having the records emailed or mailed to him/her are not required to sign and date section 11 of the form.

Custodian Instructions: For requests to inspect, the records custodian is to fill in sections 1-6,8, and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the requestor inspects the records. For requests for copies or duplicates, the records custodian is to fill in sections 6-8 and sign and date section 10 at the time the request is made. Section 12 should not be signed and dated until the records are retrieved by or delivered to the requestor.

Note: Tenn. Code Ann. § 10-7-503(a)(7)(A) provides that unless another provision in law specifically requires a written request, a request to inspect public records may not be required to be in writing nor can a fee be assessed for inspection of records.

(FRONT)

1. Name of Requestor: _____
(Print or Type; Initials of requestor are required for copy requests)

2. (If required) Form of identification provided:

- Photo ID issued by governmental entity including requestor's address
- Other: _____

3. Requestor's address and contact information: _____

4. Request for: inspection/access copy/duplicate [previously inspected _____ (date) or inspection on waived]

5. Record(s) requested:

- a. Type of record: Minutes Annual Report Annual Financial Statement Budget Employee file Other

b. Detailed Description of the record(s) including relevant date(s) and subject matter:

6. Request submitted to: _____
(Name of Governmental Entity, Office or Agency)

- a. Employee receiving request: _____
(Print or Type and Initial)
- b. Date and time request received: _____
- c. Response: Same day Other _____

7. Costs (if assessed):

- a. Number of pages to be copied: _____ Estimated
- b. Cost
 - (1) per page letter or legal sized: \$ _____ (justification required if more than \$0.15) per black and white \$ _____ (justification required if more than \$0.50) per color;
 - (2) per page other sized or other medium: \$ _____ (justification required)
- c. Estimate of labor costs to produce the copy (for time exceeding 1 hour): _____
 - Labor at \$ _____ /hour for _____ hour(s).
 - Labor at \$ _____ /hour for _____ hour(s).
 - Labor at \$ _____ /hour for _____ hour(s).
- d. Programming cost to extract information requested: _____
- e. Method of delivery and cost: _____ Estimated
 - On-site pick-up U.S. Postal Service Other: _____
- f. Estimate of total cost to produce request: _____
- g. Estimate provided to requestor: in person by U.S.P.S. by phone Other: _____

8. Payment:

- a. Form of payment: Cash Check Other _____
- b. Amount of payment: _____
- c. Date of payment: _____
- d. Actual cost (and adjustment if prepaid): _____

9. _____
Signature of Requestor

_____ Date Records Requested

10. _____
Signature of Records Custodian

_____ Date of Receipt of Request

Delivery/Retrieval of Records

11. _____
Signature of Requestor

_____ Date Records Retrieved

12. _____
Signature of Records Custodian

_____ Date Records Retrieved/Delivered
Or

_____ Date Records Inspected by the Requestor

PUBLIC RECORD REQUEST RESPONSE FORM

Governmental Entity Name and Address: _____

Date: _____

Requestor's Name and Contact Information: _____

In response to your records request received on _____ our office is taking the action(s)¹ indicated below: *[Date Request Received]*

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 following location:

_____ ; 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,

[Name, Title, and Contact Information]

Print Form

Reset Form

¹ If all requested records do not have the same response, so indicate.



**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL**

SCHEDULE OF REASONABLE CHARGES

PURPOSE:

Pursuant to Tenn. Code Ann. § 8-4-604(a)(1), the Office of Open Records Counsel ("OORC") is required to establish a schedule of reasonable charges a records custodian may use as a guideline to charge citizens requesting copies of public records. Additionally, Tenn. Code Ann. § 10-7-503(g) requires each governmental entity subject to the Tennessee Public Records Act ("TPRA") to establish a written public records policy that includes a statement of any fees charged for copies of public records and the procedures for billing and payment. Accordingly, the following policy sets forth general guidelines for records custodians when assessing reasonable charges associated with record requests under the TPRA.

POLICY:

I. General Considerations

- A. Records custodians may not charge for inspection of public records except as provided by law.
- B. The following schedule of reasonable charges should not be interpreted as requiring records custodians to impose charges for copies of public records. Charges for copies of public records must be pursuant to a public records policy properly adopted by the governing authority of a governmental entity. See Tenn. Code Ann. § 10-7-503(g) and § 10-7-506(a).
- C. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to public records.
- D. A records custodian may reduce or waive charges, in whole or in part, in accordance with the governmental entity's public records policy.
- E. A records custodian may require payment for copies before producing copies of the records.
- F. The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed based on the purpose of a record request. However, other statutory provisions, such as Tenn. Code Ann. § 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, based upon the type of records requested should be expressly set forth and permitted in the adopted public records policy.

- G. Records custodians shall provide a requestor an estimate of reasonable costs to provide copies of requested records.

II. Per Page Copying Charges

- A. For each standard 8½" x 11" or 8½" x 14" copy produced, a records custodian may assess a per page charge of up to 15 cents (\$0.15) for black and white copies and up to 50 cents (\$0.50) for color copies. If producing duplex (front and back) copies, a charge for two separate pages may be imposed for each single duplex copy.
- B. If the charge for color copies is higher than for black and white copies, and a public record is maintained in color but can be produced in black and white, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy.
- C. If a governmental entity's actual costs are higher than those reflected above, or if the requested records are produced on a medium other than 8½" x 11" or 8½" x 14" paper, the governmental entity may develop its own charges. The governmental entity must establish a schedule of charges documenting "actual cost" and state the calculation and reasoning for its charges in a properly adopted policy. A governmental entity may charge less than those charges reflected above. Charges greater than 15 cents (\$0.15) for black and white copies and 50 cents (\$0.50) for color copies can be assessed or collected only when there is documented analysis of the fact that the higher charges represent the governmental entity's actual cost of producing such material, unless there exists another basis in law for such charges.

III. Additional Charges

- A. When assessing a fee for items covered under this section, records custodians shall utilize the most economical and efficient method of producing the requested records.
- B. A records custodian may charge its actual out-of-pocket costs for flash drives or similar storage devices on which electronic copies are provided. When providing electronic records, a records custodian may charge per-page costs only when paper copies that did not already exist are required to be produced in responding to the request, such as when a record must be printed to be redacted.
- C. It is presumed copies of requested records will be provided in person to a requestor when the requestor returns to the records custodian's office to retrieve the records.
- D. If a requestor chooses not to personally retrieve records and the actual cost of delivering the copies, in addition to any other permitted charges, have been paid by the requestor or otherwise waived pursuant to the public records policy, then a records custodian is obligated to deliver the copies via USPS First-Class Mail. It is within the discretion of a records custodian to agree to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- E. If it is not practicable or feasible for the records custodian to produce copies internally, the records custodian may use an outside vendor and charge the costs to the requester.

- F. If a records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may recover from the requestor the costs assessed for retrieval.

IV. Labor Charges

- A. A records custodian shall utilize the most cost efficient method of producing requested records. Accordingly, a records custodian should strive to utilize current employees at the lowest practicable hourly wage to fulfill public records requests for copies.
- B. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
- C. "Labor threshold" is the first (1st) hour of labor reasonably necessary to produce requested material(s). A governmental entity may adopt a higher labor threshold than one (1) hour. A records custodian is only permitted to charge for labor exceeding the labor threshold established by the governmental entity.
- D. "Hourly wage of an employee" is based upon the base salary of the employee and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour workweek and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.
- E. In calculating labor charges, a records custodian should determine the total amount of labor for each employee and subtract the labor threshold from the labor of the highest paid employee(s). The records custodian should then multiply the amount of labor for each employee by each employee's hourly wage to calculate the total amount of labor charges associated with the request.

Example:

The hourly wage of Employee A is \$15.00. The hourly wage of Employee B is \$20.00. Employee A spends two (2) hours on a request. Employee B spends two (2) hours on the same request. The labor threshold is established at one (1) hour. Since Employee B is the highest paid employee, the labor threshold will be applied to the time Employee B spent producing the request. For this request, \$50.00 could be charged for labor. This is calculated by taking the number of hours each employee spent producing the request, subtracting the threshold amount, multiplying that number by the employee's hourly wage, and then adding the amounts together (i.e. Employee A (2 x \$15.00) + Employee B (1 x \$20.00) = \$50.00).

*Submitted to ACOG: November 8, 2016.
Effective: January 20, 2017*



**STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL**

REASONABLE CHARGES FOR FREQUENT AND MULTIPLE REQUESTS

PURPOSE:

Tenn. Code Ann. § 8-4-604(a)(2) requires the Office of Open Records Counsel ("OORC") to establish a policy related to reasonable charges a records custodian may charge for frequent and multiple requests for public records pursuant to the Tennessee Public Records Act ("TPRA"), Tenn. Code Ann. § 10-7-501, et seq. Accordingly, the following policy sets forth guidelines for assessing reasonable charges associated with the aggregation of multiple and frequent record requests by allowing records custodians to charge for labor and costs that may otherwise be waived when responding to a single record request.

It is within the discretion of each governmental entity to charge for frequent and multiple record requests. Any decision to charge should be consistent with the Schedule of Reasonable Charges promulgated by the OORC and reflected in the governmental entity's public records policy.

POLICY:

I. Aggregation Policy

- A. Aggregation, as well as excessive fees and other rules, shall not be used to hinder access to public records. A records custodian may reduce or waive, in whole or in part, any charge in accordance with the governing entity's public records policy.
- B. A governmental entity may include in its public records policy a rule whereby multiple or frequent records requests are aggregated for purposes of calculating charges for copies or duplicates of public records.
- C. A governmental entity may aggregate multiple public record requests made by a single requestor. A governmental entity may also aggregate public record requests made by multiple requestors, if the public records request coordinator determines the requestors are acting in concert with each other or as the agents of another person, entity, or organization.
- D. A governmental entity's public record policy shall indicate the number of requests within a calendar month that will trigger aggregation; that amount must be no lower than four (4) requests. This amount is the aggregation threshold.
- E. A governmental entity's public record policy shall specify the level at which records requests will be aggregated, whether for the entire governmental entity or by agency, department, office, or otherwise.

II. Charges for Aggregated Requests

- A. Once a records custodian reaches the aggregation threshold, the records custodian is no longer required to deduct the labor threshold set forth in the Schedule of Reasonable Charges or any other minimum charge per request threshold that would ordinarily be waived.
- B. When the aggregation threshold is met, a records custodian choosing to aggregate requests must inform the requestor(s) of the determination to aggregate and of the right of the requestor(s) to appeal the records custodian's decision to aggregate to the OORC.
- C. Requests for current records that are routinely released and readily accessible, such as agendas or meeting minutes, are exempt from this policy.
- D. Disputes regarding aggregation shall be brought to the OORC.

Submitted to ACOG: November 8, 2016
Effective: January 20, 2017