

Complying with Requests for Copies

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-429

A records custodian may require a request for copies of public records to be made in writing, on a form that complies with T.C.A. § 10-7-503(c), or on a form developed by the Office of Open Records Counsel. If a municipality requires a request for copies to be made in writing, the records custodian must accept the request in person, by mail, through email, if email is used to transact official business, or via an Internet portal, if the municipality maintains an Internet portal that is used to accept public records requests. If a municipality does not require a request for copies to be made in writing, a records custodian must accept the request in person, by mail, fax, or telephone, through email, if email is used to transact official business, or via an Internet portal, if the municipality maintains an Internet portal that is used to accept public records requests. The records custodian may also require any citizen making a request for copies to show government issued photo identification with an address on it or some alternative form of identification that is acceptable to the records custodian, if the requestor does not have government issued photo identification that includes an address.

Additionally, when requests for copies of public records are made, record custodians are required to provide the requestor an estimate of the costs associated with providing the copies. T.C.A. § 10-7-503(A)(7)(C)(ii).

A municipality does not have to create a record that does not exist, but redacting confidential information from a record or electronic database does not constitute creating a new record. A municipality may not avoid its disclosure obligations by contractually delegating its responsibility to a private entity. T.C.A. § 10-7-503.

Fees for Geographic Information System Data

When a request is made for copies of public records that have commercial value, the records require the reproduction of all or a portion of a computer generated map or other similar GIS information and the records were developed with public funds, a municipality may assess the requestor the cost of reproduction of the data and ten percent of the total development costs of the system. An additional ten to twenty percent may be assessed, if approved by the governing body and by the state Information Systems Council. After the total development cost is recovered, fees must be reduced to recover only maintenance costs of the system.

The additional development costs for the GIS data may not be assessed when a request is made by an individual for a non-business use or by the news media for a news gathering purpose. T.C.A. § 10-7-506.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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