

**RULES  
OF  
COMPTROLLER OF THE TREASURY**

**CHAPTER 0380-05-10  
ACCESS TO PUBLIC RECORDS MAINTAINED BY  
THE OFFICE OF THE COMPTROLLER OF THE TREASURY**

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**0380-05-10-.01 PURPOSE AND SCOPE.**

- (1) These rules are promulgated for the purpose of providing procedures to allow access to those records made or received by the Office of the Comptroller of the Treasury that are subject to inspection and to reproduction pursuant to the Tennessee Public Records Act, T.C.A., Section 10-7-501, et seq., while preserving the confidentiality of confidential records and/or confidential information as provided in Federal or State law. These rules are also promulgated for the purpose of implementing and establishing procedures and standard fees to be charged for the reproduction or duplication of public records maintained by the Office of the Comptroller of the Treasury. These rules do not govern charges for the reproduction or duplication of public records, when separate statutory authority exists establishing the fee to be charged or the formula for charging.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.

**0380-05-10-.02 DEFINITIONS.** As used in these rules, the following terms are defined as follows:

- (1) "Comptroller" means the Comptroller of the Treasury.
- (2) "Comptroller's Office" means any of the divisions, sections or offices under the authority of the Comptroller.
- (3) "Confidential record" means any record of the Comptroller's Office that is considered confidential, privileged, or protected under law.
- (4) "OORC" means the Office of Open Records Counsel.
- (5) "Public Record" means any record of the Comptroller's Office that is open to inspection by any citizen of the State of Tennessee under the provisions of the Public Records Act, and is not otherwise considered a confidential record under law.
- (6) "Public Records Act" or "TPRA" means the Tennessee Public Records Act as codified in T.C.A., Section 10-7-501, et seq.
- (7) "Record" means any document or stored information, in any form, that has been generated or received and is maintained by the Comptroller's Office pursuant to law or in connection with the transaction of the business of the Comptroller's Office; "record" also includes a system of records. A record may or may not be a public record.

(Rule 0380-05-10-.02, continued)

- (8) "Records Custodian" means an employee of the Comptroller's Office who has direct supervisory authority over the specific division, section or office of the Comptroller's Office where the requested records are maintained.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.

**0380-05-10-.03 REQUEST FOR ACCESS TO RECORDS.**

- (1) A request for access to or inspection of records shall be made during the regular business hours of the Comptroller's Office from 8:00 AM to 4:30 PM, Monday through Friday, except for holidays.
- (2) Requests for access to or inspection of records may be made orally or in writing to the appropriate division within the Comptroller's Office, and shall identify with sufficient detail the record which is requested.
- (3) All requestors are required to present a valid (current) Tennessee driver's license to staff prior to inspection of the records requested. If a requestor does not have a valid Tennessee driver's license, but does have photo identification with a home address that has been issued by a Tennessee governmental entity, such identification will be accepted. If a requestor has government issued photo identification without a home address, then additional documentation of Tennessee citizenship must be presented. The sufficiency of such documentation will be determined on a case by case basis, after consultation with General Counsel for the Comptroller's Office.
- (4) All requests for access to or inspection of records will be processed promptly and in accordance with all applicable time frames enumerated in the TPRA. If the request for access is not sufficiently detailed for the records custodian to determine what records are being requested, the Comptroller's Office will contact the requestor and will not begin complying with the request until an amended request is made that is sufficiently detailed.
- (5) Prior Review and Assessment for Confidential, Privileged or Protected Information or Data.
  - (a) Review, Assessment and Redaction of Records Prior to Inspection.
    1. Before providing access to the requested record, staff shall review the requested record as quickly as reasonably possible, and make an assessment of the scope and accessibility of the requested record.
    2. Upon review and prior to providing access to any record or portion of a record, staff shall redact any data or information that staff has reason to believe is or may be confidential, privileged or otherwise protected by law. When possible, staff shall provide the requestor the legal basis authorizing the redaction.
  - (b) If staff determines after this review and assessment that access to the requested public record can be provided, staff shall do so as promptly as possible.
  - (c) If it appears from staff's review and assessment that access to the requested public record cannot be made available for inspection within the time frame enumerated within the TPRA, staff shall notify the requestor in accordance with the provisions of the TPRA.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.

**0380-05-10-.04 REQUESTS FOR REPRODUCTION OF RECORDS.**

- (1) A request for reproduction of records shall be made during the regular business hours of the Comptroller's Office from 8:00 AM to 4:30 PM, Monday through Friday, except for holidays.
- (2) Requests for reproduction of records must be made in writing on the request form developed by the OORC and submitted to the appropriate division within the Comptroller's Office. The request must identify with sufficient detail the record which is requested.
- (3) All requestors are required to present a valid (current) Tennessee driver's license to staff at the time the request is submitted. If a requestor does not have a valid Tennessee driver's license, but does have photo identification with a home address that has been issued by a Tennessee governmental entity, such identification will be accepted. If a requestor has government issued photo identification without a home address, then additional documentation of Tennessee citizenship must be presented. The sufficiency of such documentation will be determined on a case by case basis, after consultation with General Counsel for the Comptroller's Office.
- (4) All requests for reproduction of records will be processed promptly and in accordance with all applicable time frames enumerated in the TPRA. If the request for reproduction is not sufficiently detailed for the records custodian to determine what records are being requested, the Comptroller's Office will contact the requestor and will not begin complying with the request until an amended request is made that is sufficiently detailed.
- (5) Prior Review and Assessment for Confidential, Privileged or Protected Information or Data.
  - (a) Review, Assessment and Redaction of Records for Reproduction Request.
    1. Before reproducing the requested record, staff shall review the requested record as quickly as reasonably possible and make an assessment of the scope and accessibility of the requested record.
    2. Upon review and prior to reproducing the record, or portion of the record, staff shall redact any data or information that it has reason to believe is or may be confidential, privileged or otherwise protected by law. When possible, staff shall provide the requestor the legal basis authorizing the redaction.
  - (b) If staff determines after this review and assessment that reproduction of the requested public record can be provided, staff shall do so as promptly as possible in accordance with Section 0380-05-10-.05 below.
  - (c) Staff, consultants, or contractors for the Comptroller's Office are responsible for the reproduction of any requested public record. A requestor does not have the right to reproduce requested public records through use of the requestor's own equipment or supply the necessary equipment or supplies for reproduction of the requested public records.
  - (d) If it appears from staff's review and assessment that reproduction of the requested public record cannot be produced either immediately or within the time frame enumerated within the TPRA, staff shall notify the requestor in accordance with the provisions of the TPRA.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.

**0380-05-10-.05 FEES AND COSTS FOR REPRODUCTION OF PUBLIC RECORDS.**

- (1) Prior to the reproduction of requested public records, staff shall provide the requestor a reasonable estimate of the fees associated with the reproduction of the public record in writing. The estimate shall include the cost of delivery when applicable and any other necessary fee, including labor, which shall be calculated in accordance with the Schedule of Reasonable Charges established by the OORC.
- (2) Per page fees charged shall comport with the fees established in the Schedule of Reasonable Charges.
- (3) Fees charged for reproduction of any public record on any medium not specified in the Schedule of Reasonable Charges shall be the actual cost to the Comptroller's Office for that medium.
- (4) If staff, a consultant, or a contractor is required to create a new or modified computer program or application in order to reproduce requested data or extract requested data or information utilizing an existing computer program, the requestor shall be charged a fee that comports with the Schedule of Reasonable Charges for all necessary labor.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.

**0380-05-10-.06 PAYMENT FOR REPRODUCTION OF PUBLIC RECORDS.**

- (1) Prior to reproduction of public records, the creation of a new or modified computer program required to reproduce requested data or information, or the extraction of requested information or data, payment of the estimate must be made to the Office of Management Services, Division of Accounts, payable to the Office of the Comptroller of the Comptroller of the Treasury, unless the payment is waived pursuant to Section 0380-05-10-.07 below.
- (2) Payment may only be made by check, cashier's check, or money order.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.

**0380-05-10-.07 WAIVER OF FEES.**

- (1) All fees associated with the reproduction of records, including any delivery and labor fees, will be waived when the total amount of such fees are equal to or less than Twenty-five Dollars (\$25.00). Any fees associated with the reproduction of records above Twenty-five Dollars (\$25.00) shall be charged as otherwise provided by this Chapter, unless waived pursuant to Paragraph (2) below.
- (2) If the Comptroller determines it is in the best interest of the Comptroller's Office, charges above Twenty-five Dollars (\$25.00) may also be waived.

**Authority:** T.C.A. §§ 8-4-108, 8-4-604, and 10-7-501 et seq. **Administrative History:** Original rule filed July 10, 2012; effective December 29, 2012.