

**RULES
OF
THE TENNESSEE SPORTS WAGERING COUNCIL**

**CHAPTER 1350-04
ACCESS TO PUBLIC RECORDS OF THE SPORTS WAGERING COUNCIL**

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1350-04-.01 PURPOSE AND SCOPE – ACCESS TO PUBLIC RECORDS OF THE SPORTS WAGERING COUNCIL.

- (1) Pursuant to T.C.A. § 10-7-503(g)(2), the Sports Wagering Council hereby adopts the following Public Records Rules to provide economical and efficient access to public records held by the Sports Wagering Council as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. §§ 10-7-501, *et seq.*
- (2) In accordance with these Rules, staff of the Sports Wagering Council shall timely and efficiently provide access and assistance to Persons requesting to view or receive copies of public records. No provision of these Rules 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 Sports Wagering Council shall be protected as provided by current law. Concerns about these Rules should be addressed to the Public Records Request Coordinator for the Sports Wagering Council (“PRRC”) or to the Tennessee Office of Open Records Counsel (“OORC”).

Authority: T.C.A. §§ 4-49-102, 4-49-106, 10-7-501, *et seq.*, and 10-7-503. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Amendments filed September 15, 2023; effective December 14, 2023. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.

1350-04-.02 DEFINITIONS.

- (1) “Public Records” shall mean 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.
- (2) “Public Records Request Coordinator” or “PRRC” shall mean the individual, or individuals, 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. The contact information for the PRRC is:

Sports Wagering Council
Attn: General Counsel
312 Rosa L. Parks Ave., 8th Floor
Nashville, TN 37243
(615) 770-3947
Email: SWAC.PRRC@tn.gov.

(Rule 1350-04-.02, continued)

- (3) "Records Custodian" shall mean the office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
- (4) "Requestor" shall mean a citizen of the State of Tennessee seeking access to a public record, whether for inspection or duplication.

Authority: T.C.A. §§ 4-49-106, 10-7-501, et seq., and 10-7-503. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Amendments filed September 15, 2023; effective December 14, 2023.

1350-04-.03 HOURS OF INSPECTION.

All public records held by the Sports Wagering Council, except for those deemed confidential by the TPRA and the Rules of the Council or other applicable law, shall be open for personal inspection by any citizen of the State of Tennessee at all times in which the Sports Wagering Council is otherwise open for business. Such hours of operation are generally Mondays through Fridays, 8:00 AM through 4:30 PM Central Standard Time (CST), subject to Tennessee State Government Holiday Office Closures and/or other emergency or unanticipated office closures.

Authority: T.C.A. §§ 10-7-501, et seq. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.

1350-04-.04 REQUESTING ACCESS TO PUBLIC RECORDS.

- (1) Public record requests, whether written or oral, shall be made to the PRRC in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Public record requests must include the following information clearly and concisely expressed:
 - (a) Name and Tennessee contact information (in order to provide any communication required under the TPRA);
 - (b) Detailed description of the records being requested, including type, timeframe, subject matter or key words, and any other information identifying the records;
 - (c) Statement whether the request is for inspection or receipt of copies; and
 - (d) Delivery preference if requesting copies.
- (3) Written requests for records must be directed to the PRRC and submitted on the prescribed form designated by the Sports Wagering Council. Written requests may be submitted by mail or by electronic mail to SWAC.PRRC@tn.gov.
- (4) Requests for *inspection only* need not be made in writing and may be submitted orally in person or by phone to the PRRC. The PRRC shall request a mailing or email address from the requestor to be used for providing any written communication required under the TPRA.
- (5) Requests for *copies*, or requests for *inspection and copies*, must be made in writing on the prescribed form designated by the Sports Wagering Council and sent to the PRRC either by mail or electronic mail to SWAC.PRRC@tn.gov.

(Rule 1350-04-.04, continued)

- (6) Requests not made in the appropriate manner or not directed to the PRRC as provided herein will not be accepted. Requests made on social media or as comments on websites operated by the Sports Wagering Council will not be accepted.
- (7) Proof of Tennessee citizenship, by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID evidencing the requestor's residency in Tennessee), is required as a condition to inspect or receive copies of public records and must be presented with the request.

Authority: T.C.A. §§ 10-7-501, et seq., and 10-7-503. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Amendments filed September 15, 2023; effective December 14, 2023. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.

1350-04-.05 RESPONDING TO PUBLIC RECORDS REQUESTS.

- (1) The PRRC shall review public record requests and make an initial determination of the following:
 - (a) Proof of Tennessee citizenship;
 - (b) Sufficiency of description of the records to allow specific identification;
 - (c) Whether the Sports Wagering Council is the custodian of the records; and
 - (d) Whether there is an exemption to access.
- (2) The PRRC shall acknowledge the receipt of all requests received from a requestor identifying as a Tennessee citizen and take any of the following appropriate actions:
 - (a) Advise the requestor of these Rules, including:
 - 1. The requirement for proof of Tennessee citizenship;
 - 2. Form(s) required for copies;
 - 3. Fees; and
 - 4. Aggregation of multiple or frequent requests.
 - (b) If appropriate, deny the request in writing, providing the appropriate grounds for denial, including but not limited to the following:
 - 1. The requestor is not, or has not presented evidence of being, a Tennessee citizen;
 - 2. The request lacks specificity;
 - 3. An exemption makes the record not subject to disclosure under the TPRA (the PRRC shall provide the exemption in the written denial);
 - 4. The Sports Wagering Council is not the custodian of the requested records; and/or,
 - 5. The records do not exist.

(Rule 1350-04-.05, continued)

- (c) If appropriate, contact the requestor to inquire whether the request may be clarified or narrowed;
 - (d) Forward the records request to the appropriate records custodian within the Sports Wagering Council; or
 - (e) If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, the PRRC may advise the requestor of the correct governmental entity and PRRC for that entity, if known.
- (3) Upon receiving a public records request, a records custodian shall make requested public records available in accordance with applicable law.
 - (4) If not practicable to provide requested records, the PRRC or the applicable records custodian shall, within seven (7) business days from the PRRC's receipt of the request, respond to the requestor with a Public Records Request Response form or email with equivalent information.
 - (5) If a public record request is denied, the PRRC shall deny the request in writing, providing the basis for the denial.
 - (6) If a records custodian or PRRC 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 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 or PRRC should contact the requestor to inquire whether the request can be narrowed.
 - (7) If, within a time reasonably close to the original request, a records custodian or the PRRC discovers records responsive to a records request were omitted, the records custodian or PRRC shall contact the requestor concerning the omission and produce the records as quickly as practicable.
 - (8) If a record contains confidential information or information that is not open for public inspection, the records custodian or PRRC shall prepare a redacted copy prior to providing access. The PRRC shall consult with counsel as necessary to ensure appropriate redactions are made.

Authority: T.C.A. §§ 10-7-501, et seq. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.

1350-04-.06 INSPECTION OF RECORDS.

- (1) There shall be no charge for inspection of open public records.
- (2) The location for inspection of records within the offices of the Sports Wagering Council shall be determined either by the PRRC or the records custodian and shall occur during times in which the Sports Wagering Council is open for business.
- (3) 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.

Authority: T.C.A. §§ 10-7-501, et seq. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.

1350-04-.07 COPIES OF RECORDS.

- (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- (2) Copies will be available for pickup at a location specified by the records custodian or PRRC. Payment will be required prior to production of the records, or prior to production of the records via email to the requestor.
- (3) Upon payment for postage and for production costs, copies will be delivered to the requestor's mailing address by the United States Postal Service if requested.
- (4) The PRRC may allow a requestor to make copies of inspected records with personal equipment at the inspection location, upon prior approval by the PRRC and payment in advance of any costs and fees incurred by the Sports Wagering Council in preparing the records to be copied. A requestor will not be allowed to connect any personal equipment to a Sports Wagering Council end-point device or the network and will not be allowed to jeopardize the integrity or organization of the records.

Authority: T.C.A. §§ 10-7-501, et seq. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.

1350-04-.08 FEES AND PROCEDURES FOR BILLING AND PAYMENT.

- (1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- (2) When fees for copies and labor do not exceed \$10.00 per requestor per calendar year, the fees may be waived.
- (3) Unless otherwise provided by law, fees and charges for copies are as follows:
 - (a) \$0.15 per page for letter- and legal-size black and white copies.
 - (b) \$0.50 per page for letter- and legal-size color copies.
 - (c) Employee labor expense, when time exceeds 1 hour.
 - (d) If an outside vendor is used, the actual costs assessed by the vendor.
- (4) If requests for copies are made following a request to inspect, employee labor expense will be included in the calculation of charges on a pro-rated basis.
- (5) Payment is to be made in cash or check payable to the Sports Wagering Council and delivered to the PRRC.
- (6) Payment in advance will be required when estimated costs exceed \$10.00.
- (7) Records requests in excess of four requests per month from either the same individual or a group of individuals deemed to be acting in concert, as determined by the PRRC, may be aggregated for computation of expenses.

(Rule 1350-04-.08, continued)

Authority: T.C.A. §§ 10-7-501, et seq. **Administrative History:** Emergency rules filed December 22, 2021 to become effective January 1, 2022; effective through June 30, 2022. New rules filed March 22, 2022; effective June 20, 2022. Administrative corrections made to council name on December 14, 2023, pursuant to Public Chapter 450 of 2023.