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## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

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**Revision Type (check all that apply):**

- ☒ Amendment ☐ Content based on previous emergency rule filed on \_\_\_\_\_  
☐ New ☐ Content is identical to the emergency rule  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1340-08-01	Rules and Regulations for Access to Public Records
Rule Number	Rule Title
1340-08-01-.01	Purpose
1340-08-01-.02	Definitions
1340-08-01-.03	Requesting Access to Public Records
1340-08-01-.04	Sale of Motor Vehicle Records
1340-08-01-.05	Responding to Public Records Requests
1340-08-01-.06	Inspection of Records
1340-08-01-.07	Copies of Records
1340-08-01-.08	Fees, Charges, and Procedures for Billing and Payment
1340-08-01-.09	Aggregation of Frequent and Multiple Requests

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to

<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule 1340-08-01 establishes procedure for requesting access to Public Records of the Tennessee Department of Safety & Homeland Security and for bulk sales of data to authorized persons. Changes reflect current practices and advances in technology such as digital copies of rules, notices, and the inspection procedures to reflect staffing at the Department and the volume of requests.

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF SAFETY  
ADMINISTRATIVE DIVISION**

**CHAPTER 1340-08-01  
RULES AND REGULATIONS FOR ACCESS TO PUBLIC RECORDS**

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**1340-08-01-.01 Purpose.**

To establish the procedures for requesting access to Public Records of the Tennessee Department of Safety & Homeland Security and for bulk sales of data to authorized persons.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq.

**1340-08-01-.02 Definitions.**

- (1) Inspection: The visual review of requested records, without the making of copies, whether by TDOSHS or Requestor, by any means, that does not require a charge to view. An inspection can be converted into copies upon payment of proper charges.
- (2) Public Records Request Coordinator (PRRC): The individual, or individuals, designated in 1340-08-01-.05(1)(c) of this rule 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 Public Records Request Coordinator may also be a records custodian.
- (3) 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.
- (4) Records Custodian: 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.
- (5) Requestor: A person seeking access to a public record, whether it is for inspection or duplication.
- (6) T.C.A: Tennessee Code Annotated.
- (7) TDOSHS: The Tennessee Department of Safety & Homeland Security.

(8) TPRA: Tennessee Public Records Act, T.C.A. §§ 10-7-501 et seq.

- (9) Unclaimed Request: Any request which has not been inspected, picked up, paid for, or otherwise obtained by the requestor more than thirty (30) days after the date the requestor was notified that the records were available for inspection or copies were ready to be picked up, or any request where there has been no response from the requestor more than thirty (30) days after the last date of correspondence from TDOSHS.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, *et seq.*; and 10-7-503 *et seq.*

**1340-08-01-.03 Requesting Access to Public Records.**

- (1) Public record requests shall be made to the Public Records Request Coordinator (PRRC) or designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Proof of Tennessee citizenship is required as a condition to inspect or receive copies of public records.
  - (a) Proof of citizenship can be furnished by:
    1. Presentation of a valid Tennessee driver's license, or other state issued photographic ID that includes the requestor's Tennessee address at the time of the request;
    2. Submission of a request on business letterhead with the business' address in Tennessee. Records will be sent to the Tennessee address on the letterhead and not to any other address;
    3. Presentation of a valid Tennessee driver license or other state issued photographic ID that includes the requestor's Tennessee address prior to the inspection of records or a requestor obtaining the records in person;
    4. An individual can provide a sworn, notarized statement including the requestor's Tennessee residential address as of the date of the sworn statement; or
    5. Anything otherwise acceptable at the discretion of the PRRC, the Commissioner of TDOSHS, or the Commissioner's designee.
  - (b) TDOSHS reserves the right to request additional ID if the validity of the business address, identification presented, or sworn notarized statement, is in question. TDOSHS will notify a requestor in writing, when possible, of the need for additional documentation.
  - (c) TDOSHS may also ask the person to allow, in writing via e-mail or letter, to verify the address through TDOSHS's driver license system if the person does not wish to provide a copy of the driver license or other ID.
- (3) Inspections
  - (a) 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.
  - (b) Requests for inspection may be made orally or in writing by:
    1. Mailing to 312 Rosa L. Parks Avenue, 25th Floor, Nashville, TN 37243;
    2. Phone at 615-251-5166; or
    3. E-mail to [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov).



- (c) All inspections must be arranged by appointment only.
- (d) Requests to inspect personnel files or disciplinary files of law enforcement personnel will require the Tennessee Department of Safety Request for Personnel File Inspection/Copies Form (SF-1079), to be provided prior to inspection in order to comply with T.C.A. § 10-7-504(g). The form is located at <https://www.tn.gov/safety/publicsafety/openrecords.html>
  - 1. While requests may be made in person, requested files may not be readily available. The requestor may be asked to schedule an inspection time in order for TDOSHS to locate, review, and, if necessary, redact any and all requested files.
  - 2. The law enforcement officer whose file has been requested will be provided notice of who requested the file as required by T.C.A. § 10-7-504(g).
- (4) Requests for copies or for inspection and copies.
  - (a) Requests for copies, or requests for inspection and copies, shall be made in writing. A Public Records Request Form is available at <https://www.tn.gov/safety/publicsafety/openrecords.html>.
  - (b) Requests to inspect or for copies of personnel files or disciplinary files of law enforcement personnel will require the Tennessee Department of Safety Request for Personnel File Inspection/Copies Form (SF-1079), to be provided prior to inspection or production of files in order to comply with T.C.A. § 10-7-504(g). The form is located at <https://www.tn.gov/safety/publicsafety/openrecords.html>
    - 1. While requests may be made in person, requested files may not be readily available. The requestor will be asked to schedule an inspection time in order for TDOSHS to locate, review, and, if necessary, redact any and all requested files.
    - 2. The law enforcement officer whose file has been requested will be provided notice of who requested the file as required by T.C.A. § 10-7-504(g).
  - (c) Requests can be made by:
    - 1. Mail to 312 Rosa L. Parks Avenue, 25th Floor, Nashville, TN 37243;
    - 2. Phone at 615-251-5166;
    - 3. E-mail to [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov); or
    - 4. To any Tennessee Highway Patrol District Headquarters.
- (5) Statistical data of TDOSHS is available online for the categories listed below:
  - (a) Checkpoint Locations: <https://www.tn.gov/safety/tnhp/checkpoints.html>
  - (b) Crash Data: <https://www.tn.gov/safety/stats/crashdata.html>
  - (c) THP Activity: <https://www.tn.gov/safety/stats/thpactivity>
  - (d) Handgun Carry Permits: <https://www.tn.gov/safety/handgunmain.html>
  - (e) Driver License: <https://www.tn.gov/safety/driver-services.html>
  - (f) Special Reports: <https://www.tn.gov/safety/stats/specialreports.html>
  - (g) Historical Data: <https://www.tn.gov/safety/stats/historical.html>

(h) Forfeiture: [https://www.tn.gov/safety/stats/asset\\_forfeiture\\_reports.html](https://www.tn.gov/safety/stats/asset_forfeiture_reports.html)

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, *et seq.*; and 10-7-503 *et seq.*

**1340-08-01-.04 Sale of Motor Vehicle Records.**

- (1) For the preparing and furnishing of each individual motor vehicle record (MVR), TDOSHS shall charge a fee of five (\$5.00) dollars in accordance with T.C.A. § 55-50-204(d)(1).
  - (a) For the purpose of this rule, "individual motor vehicle record (MVR)" means the complete record, prepared and maintained by TDOSHS, as it pertains to an individual's driver license and driver history.
  - (b) The five (\$5.00) dollar fee shall be charged per individual MVR whether furnished in paper or electronic format, whether redacted or unredacted. This fee cannot be waived.
- (2) For the preparing and furnishing in bulk portions of individual MVR's, TDOSHS shall charge a fee that is calculated based on the Schedule of Reasonable Charges for Copies of Public Records established pursuant to T.C.A. § 8-4-604(a)(1).
  - (a) For the purpose of this rule, "bulk" means the one-time preparation and furnishing of portions of multiple individual MVR's.
  - (b) Bulk requests shall be furnished in electronic format unless requested otherwise and agreed to by TDOSHS.
- (3) Recurrent Bulk Purchases
  - (a) For the purpose of this rule:
    1. "Recurrent" means monthly or other frequent periodic time interval determined by TDOSHS.
    2. "Standard Format" means the three files furnished by TDOSHS which include the following:
      - (i) All Driver File: contains demographic information on all drivers in Tennessee at the time the file is created, other than the social security number.
      - (ii) Monthly Violations File: contains demographic information of all drivers that had a violation event during the previous month, including the date of any violation event, but excluding the social security number.
      - (iii) Monthly Revocations and Suspensions File: contains all drivers who had a revocation event during the previous month, including the date of any revocation event, but excluding the social security number.
    3. "Expanded Format" means the three files furnished by TDOSHS which include the following:
      - (i) All Driver File: contains demographic information on all drivers in Tennessee at the time the file is created, other than the social security number.
      - (ii) Monthly Violations File: contains demographic information of all drivers that had a violation event during the previous month, including the nature of any violation event, furnished as a history action code, but excluding the social security number.
      - (iii) Monthly Revocations and Suspensions File: contains all drivers who had a

revocation event during the previous month, including the nature of any revocation event, furnished as a history action code, but excluding the social security number.

- (b) For the recurrent preparing and furnishing of portions of multiple or all individual MVR's in Standard Format, TDOSHS shall be paid 4/100 of a dollar, per year, for each licensed driver in the state of Tennessee for that year. The total fee per year shall be based on the total number of licensed drivers in the state as of January 1, 2010, and shall be divided and paid in twelve (12) equal monthly payments. The number of licensed records used for calculating the payment shall be adjusted on January 1 of every year.
  - (c) For the recurrent preparing and furnishing of portions of multiple or all individual MVR's in Expanded Format, TDOSHS shall be paid 5/100 of a dollar, per year, for each licensed driver in the state of Tennessee for that year. The total fee per year shall be based on the total number of licensed drivers in the state as of January 1, 2010, and shall be divided and paid in twelve (12) equal monthly payments. The number of licensed records used for calculating the payment shall be adjusted on January 1 of every year.
  - (d) Recurrent requests shall be furnished in electronic format only.
  - (e) Requests made for less than twelve (12) months of recurring data in a calendar year shall be priced at the monthly fee calculated under subparagraph (b) for Standard Format or subparagraph (c) for Expanded Format for each month requested.
- (4) Historical Driver License Data
- (a) For the purposes of this rule, "Historical Driver License Data" means data, either in Expanded or Standard Format, which is more than sixty (60) days old, determined from the date of the request.
  - (b) For the preparing and furnishing of portions of Historical Driver License Data for multiple or all individual MVR's, TDOSHS shall charge 1/12 of the fee calculated under subparagraph (3)(b) for Standard Format requests or subparagraph (3)(c) for Expanded Format requests in the year in which the request is made, for each separate request made.
  - (c) Historical Driver License Data requests shall be furnished in electronic format only.
- (5) All bulk requests, whether one time or recurrent, and all Historical Driver License data requests shall be accompanied by a statement on form SF-1289 (available at <https://www.tn.gov/content/dam/tn/safety/documents/dppa.pdf>), filled out in its entirety, indicating the request falls under one of the approved categories authorized by the Driver Privacy Protection Act of 1994 (18 U.S.C. §§ 2721-2725) and the Uniform Motor Vehicle Records Disclosure Act (T.C.A. § 55-25-101 et seq.) A new form may be required at the start of the calendar year for recurrent requests to verify the approved categories are still applicable to the requestor.

**Authority:** T.C.A. §§ 4-3-2009; 8-4-604(a)(1); 10-7-501, et seq.; and 55-50-204.

#### **1340-08-01-.05 Responding to Public Records Requests.**

- (1) Public Record Request Coordinator (PRCC):
  - (a) The PRRC shall review public record requests and make an initial determination of the following:
    - 1. If the requestor provided evidence of Tennessee citizenship;
    - 2. If the records requested are described with sufficient specificity to identify them; and
    - 3. If TDOSHS is the custodian of the records.

- (b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

1. Advise the requestor of this rule and the determinations made regarding:

- (i) Proof of Tennessee citizenship;
- (ii) Fees (and labor threshold and waivers, if applicable); and
- (iii) Aggregation of multiple or frequent requests.

2. If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:

- (i) The requestor is not, or has not presented evidence of being, a Tennessee citizen;
- (ii) The request lacks specificity. TDOSHS may work with requestors to clarify the request;
- (iii) An exemption makes the record not subject to disclosure under the TPRA, and inform the requestor of the specific exemption;
- (iv) TDOSHS is not the custodian of the requested records; and/or
- (v) The records do not exist.

3. If appropriate, contact the requestor to see if the request can be narrowed.

4. Forward the records request to the appropriate records custodian in TDOSHS.

5. 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.

- (c) The PRRC(s) shall report to the Commissioner or the Commissioner's designee on an annual basis about the Governmental Entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records Custodian:

- (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with T.C.A. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, TDOSHS Legal counsel, or the Attorney General's office.
- (b) 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 or PRRC shall, within seven (7) business days from the date TDOSHS receives the request, send the requestor a written response which shall include a statement of the time reasonably necessary to produce the records.
- (c) If a records custodian denies a public record request, they shall deny the request in writing as provided in Rule 1340-08-01-.05(b)(2).
- (d) If a records custodian reasonably determines production of records should be provided in installments 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, in writing, that production of the records will be in installments and that a records



production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

- (e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable. If there is an error in the mailing of records, the records custodian shall correct the mailing error as quickly as practicable.

(3) Redaction:

- (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the Office of Attorney General and Reporter.
- (b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

**Authority:** T.C.A. §§ 4-3-2009; 8-4-604(a)(1); 10-7-501, et seq.; 55-50-204; and 10-7-503 et seq.

**1340-08-01-.06 Inspection of Records**

- (1) There shall be no charge for inspection of public records.
- (2) An appointment to inspect records is required and will be set by the PRRC.
- (3) Inspection of records shall take place at TDOSHS office where the records are normally maintained, unless circumstances require otherwise. The location for inspection of records within the appropriate TDOSHS office shall be determined by either the PRRC or the records custodian.
- (4) The requestor will be informed of the location for inspection and appointment time when the requestor is notified that the records are available for inspection.
- (5) If, after viewing the records, a requestor wishes to obtain copies, TDOSHS shall calculate the cost based on the copy and labor charges for the entire request and, if the requestor does not wish to obtain all records produced, shall pro-rate the charges on a per page basis.
- (6) A requestor will not be allowed to make copies of records with personal equipment, including, but not limited to, personal copier or scanners, cell phones, video, and live streaming.
  - (a) A requestor may use a personal cellphone to take still pictures or video of records when the total amount of pages of the entire request is equal to or less than one hundred (100) pages.
  - (b) Unless otherwise prohibited by subsection (a), a requestor may take notes by hand, by dictation, or on a computer.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq.

**1340-08-01-.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 may, provided staff availability and security measures, be available for pickup at a location specified by the records custodian.
- (3) Mailing:
  - (a) Copies will be delivered to the requestor's Tennessee home address or business address by

the United States Postal Service.

- (b) Copies may also be provided by Federal Express, United Postal Service, or other courier, upon submission of a prepaid envelope, prepaid mailing label, or billing account number.
- (4) If the total cost for labor and copying is less than fifty (\$50.00) dollars, the records may be submitted electronically to the requestor's e-mail address, if provided.
- (5) Records which include personally identifiable information (PII) cannot be sent by e-mail.
- (6) Requests which contain allowable personally identifiable information (PII) will only be provided by Secure File Transfer Protocol (SFTP), if provided electronically.
- (7) A requestor will not be allowed to make copies of records with personal equipment, including, but not limited to, personal copier or scanners, cell phones, video, and live streaming.
  - (a) A requestor may use a personal cellphone to take still pictures or video of records when the total amount of pages of the entire request is equal to or less than 100 pages.
  - (b) Unless otherwise prohibited by subsection (a), a requestor may take notes by hand, by dictation, or on a computer.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq.

**1340-08-01-.08 Fees, Charges, and Procedures for Billing and Payment.**

- (1) Fees and charges for copies of public records should not be used to hinder access to public records. Unless otherwise required by statute, no charges will be assessed for copies and duplicates unless total cost of both copying and labor is more than fifty (\$50.00) dollars.
- (2) 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. Records custodians shall make best efforts to provide records electronically.
- (3) When fees for copies and labor do not exceed fifty (\$50.00) dollars, the fees will be waived. Fees associated with aggregated records requests will not be waived. Fees set by statute cannot be waived.
- (4) Fees and charges for copies shall be based on the most current version of the Schedule of Reasonable Charges, issued by the Office of Open Records Counsel, available at <https://www.comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf>.
- (5) A requestor may provide an empty jump drive, empty USB memory stick, or secured transfer site for copies of records. If the memory stick or jump drive provided is not empty, no records will be provided through that medium. There will be no copy charges when records are produced in this medium however, labor charges will still apply.
- (6) Other:
  - (a) Five (\$5.00) dollars for each Moving Violation Record/driver history per T.C.A. § 55-50-204.
  - (b) Five (\$5.00) dollars for each Affidavit for proof of insurance per T.C.A. § 55-50-204.
  - (c) Four (\$4.00) dollars for unredacted crash reports per T.C.A. § 55-12-108. Paper copies of redacted crash reports are fifteen cents (\$0.15) per page.
  - (d) Unredacted Crash Videos/DVDs with photos taken by the Investigating Trooper shall be provided for free, if the requestor is authorized to receive unredacted material under state or federal law.

- (e) Crash Videos/DVDs with photos taken by the Investigating Trooper that are required to be redacted per state or federal law will be charged at actual cost of thirty-one dollars and twenty-five cents (\$31.25) per quarter hour of video, including the cost of any redaction done by a third-party vendor.
  - (f) Paper copies of Crash photos taken by the Investigating Trooper shall be made available at a charge of fifteen cents (\$0.15) per page.
  - (g) Bulk requests for driver license data shall be charged per Rule 1340-08-01-.04
  - (h) Individual Blood Alcohol Reports shall be provided for free.
  - (i) Individual Toxicology Reports shall be provided for free.
  - (j) Paper copies of Vehicular Homicide Reports shall be made available at a charge of fifteen cents (\$0.15) per page. There shall be no labor charge for copying these reports.
  - (k) Paper copies of Critical Incident Response Team ("CIRT") photos taken by CIRT shall be made available at a charge of fifteen cents (\$0.15) per page. There shall be no labor charge for copying these reports.
  - (l) E-Crime Reports (SF-1496) shall be provided for free.
  - (m) Incident Reports (SF-1493) shall be provided for free.
  - (n) Offense Reports (SF-1492) shall be provided for free.
  - (o) Labor when time exceeds one (1) hour.
  - (p) If an outside vendor is used, the actual costs assessed by the vendor.
- (7) Payment is to be made by mailing personal check, cashier's check, or money order payable to the Tennessee Department of Safety & Homeland Security at the Tennessee Tower located at 312 Rosa Parks Avenue 25<sup>th</sup> Floor, Nashville, TN 37243.
- (8) Advance payment:
- (a) Payment in advance of half of the estimated amount will be required when costs are estimated to exceed one hundred (\$100.00) dollars.
  - (b) Payment in advance of the full estimated amount will be required when TDOSHS is using an outside vendor to complete the request. TDOSHS will notify the requestor in advance of preparing the records that an outside vendor is being used and the estimated amount from the vendor.
- (9) The Commissioner or the PRRC, as the Commissioner's designee, may, on a case-by-case basis, reduce any part of the fees calculated under this policy or waive any fee upon a written request for waiver or reduction.
- (a) Fees set by statute or charged by an outside vendor shall not be reduced or waived.
  - (b) The waiver or a reduction of any fees is in the sole discretion of the Commissioner or PRRC, is not subject to judicial review, and does not establish any precedent.
- (10) Retention of Requests:
- (a) If a request, either for copies or inspection, is unclaimed for thirty (30) days after TDOSHS notified the requestor, in writing, of the completion of the request and any charges, TDOSHS shall send a letter to the requestor, in writing, notifying the requestor that:

- 1. The records are available and the location; and

2. If the records remain unclaimed for an additional thirty (30) days from the date of the letter, the requestor will need to submit a new request for the records, and the new request may result in a new fee being charged.
  - (b) At the end of the second thirty (30) day period, any original records shall be returned to their location and any copies made shall be destroyed by TDOSHS. If the original requestor submits a second request prior to the destruction of any copies, TDOSHS shall charge the original cost for the copying and labor, in addition to any fees that might be required if the second request seeks additional materials.
  - (c) If the request was to inspect and only a telephone number was provided, TDOSHS shall telephone the requestor and make notes regarding any conversation and shall save such notes as part of the request.
- (11) Lack of Payment or Lack of Inspection
- (a) 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, TDOSHS is not required to comply with any public records request from the person for a period of six (6) months from the date of the second request to view the public record unless the governmental entity determines failure to view the public record was for good cause; and
  - (b) If a person makes a request for copies of a public record and, after copies have been produced, the person fails to pay to TDOSHS the cost for producing such copies, TDOSHS is not required to comply with any public records request from the person until the person pays for such copies; provided, that the person was provided with an estimated cost for producing the copies in accordance with state law and these rules prior to producing the copies and the person agreed to pay the estimated cost for such copies.
- (12) No Response
- (a) If a person makes a request for inspection or copies of records and fails to provide necessary identification or payment within sixty (60) days of notification for identification or payment, TDOSHS may close the request and refund any monies paid.
- (13) Bulk Crash Report Requests
- (a) For the purpose of this rule, "bulk" means the one-time preparation and furnishing of multiple individual crash reports.
  - (b) Bulk requests shall be furnished in electronic format unless requested otherwise and agreed to by TDOSHS.
  - (c) If a person makes a request for bulk crash reports and the responsive number of which is less than fifteen (15) reports, the fees associated with that request are waived.
  - (d) If there more than fifteen (15) responsive records, the requestor shall be charged for the actual labor of the person or persons retrieving the reports.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, *et seq.*; and 10-7-503 *et seq.*

**1340-08-01-.09 Aggregation of Frequent and Multiple Requests.**

- (1) TDOSHS will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC 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) Aggregation:



- (a) The level at which records requests will be aggregated is at the departmental level.
  - (b) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian 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) When the total number of requests made by a single requestor, or multiple requestors who the PRRC deems to be working in concert, during a calendar month exceeds four (4), the PRRC or records custodian shall charge the requestor a fee for all labor that is reasonably necessary to produce copies of the requested records. The requestor is not entitled to one (1) free hour of labor before additional costs are assessed.
    - (i) When the total number of requests in a calendar month exceed four (4), the requestor must be notified in writing that a fee will be charged for all labor reasonably necessary to produce additional materials for copying, what requests have been aggregated, and the dates and fees associated with each request.
    - (ii) Labor costs shall be assessed as set forth in the Schedule of Reasonable Charges set for by the Comptroller of the Treasury Office of Open Records Counsel.
  - (d) The total number of public records requests made by a requestor and by any other individual may be aggregated if the PRRC reasonably believes the requestor(s) to be acting in concert with or as the agent of another person, entity, or organization. When aggregating requests to one (1) or multiple requestors, the PRRC shall provide a notice of aggregation to all requestors.
  - (e) If a PRRC or records custodian aggregates multiple requests by multiple requestors, they must promptly inform the requestors, in writing, of the determination to aggregate, that each individual has the right to appeal the aggregation determination to the OORC, and the estimated cost of labor associated with the aggregated requests.
- (3) Requests for items that are routinely released and readily accessible, such as agendas and meeting minutes, are exempt from this provision.
  - (4) Any dispute regarding aggregation shall be brought to the OORC.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, *et seq.*; and 10-7-503 *et seq.*

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Safety (board/commission/other authority) on 12/21/2022 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: (10/24/2022)

Rulemaking Hearing(s) Conducted on: (add more dates). (12/21/2022)

Date: May 16, 2023

Signature: Elizabeth R. Stroecker

Name of Officer: Elizabeth Stroecker

Title of Officer: Director of Legislation & Assistant General Counsel

Agency/Board/Commission: Department of Safety

Rule Chapter Number(s): 1340-08-01 Rules and Regulations for Access to Public Records

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Jonathan Skrmetti  
Jonathan Skrmetti  
Attorney General and Reporter

6-8-23

Date

#### Department of State Use Only

Filed with the Department of State on: 6/9/2023

Effective on: 9/7/2023

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Division of Publications

Tre Hargett

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Secretary of State

### **Public Hearing Comments**

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There was not any present, either virtually or in person, for this hearing and no comments were submitted.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rules do not impact small businesses.



### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

These rules do not impact local government.

### Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1340-08-01 establishes procedure for requesting access to Public Records of the Tennessee Department of Safety & Homeland Security and for bulk sales of data to authorized persons. Changes reflect current practices and advances in technology such as digital copies of rules, notices, and the inspection procedures to reflect staffing at the Department and the volume of requests.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

*T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq.*

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

These rules impact any Tennessean wanting records from the department. The department did not receive any opposition regarding the amendments to these rules.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

The department is not aware of any opinions or judicial rulings relevant to these rules.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

N/A

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Elizabeth Stroecker  
Director of Legislation  
312 Rosa L. Parks Ave., Nashville, TN 37243  
615-251-5199  
[Elizabeth.Stroecker@tn.gov](mailto:Elizabeth.Stroecker@tn.gov)

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Elizabeth Stroecker  
Director of Legislation  
312 Rosa L. Parks Ave., Nashville, TN 37243  
615-251-5199  
[Elizabeth.Stroecker@tn.gov](mailto:Elizabeth.Stroecker@tn.gov)

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Elizabeth Stroecker  
Director of Legislation  
312 Rosa L. Parks Ave., Nashville, TN 37243  
615-251-5199

[Elizabeth.Stroecker@tn.gov](mailto:Elizabeth.Stroecker@tn.gov)

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF SAFETY  
ADMINISTRATIVE DIVISION**

**CHAPTER 1340-08-01  
RULES AND REGULATIONS FOR ACCESS TO PUBLIC RECORDS**

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(Rule 1340-08-01-.03, continued)

**1340-08-01-.01 Purpose ~~PURPOSE~~.**

To establish the procedures for requesting access to Public Records of the Tennessee Department of Safety & Homeland Security and for bulk sales of data to authorized persons.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; ~~and 10-7-503 et seq. 2008 Public Chapter 1179; and 2018 Public Chapter 712. Administrative History: Public necessity rule filed November 5, 2008; effective through April 19, 2009. Original rule filed November 5, 2008; effective March 30, 2009. Amendments filed December 5, 2018; effective March 5, 2019.~~

**1340-08-01-.02 Definitions ~~DEFINITIONS~~.**

- (1) Inspection: The visual review of requested records, without the making of copies, whether by ~~the~~ TDOSHS or Requestor, by any means, that does not require a charge to view. An inspection can be converted into copies upon payment of proper charges.
- (2) Public Records Request Coordinator (PRRC): The individual, or individuals, designated in 1340-08-01-.05(1)(c) of this rule 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 T.C.A. § 10-7-503(a)(1)(B).~~ The Public Records Request Coordinator may also be a records custodian.
- (3) 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 T.C.A. § 10-7-503(a)(1)(A).~~
- (4) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a public record. ~~See T.C.A. § 10-7-503(a)(1)(C).~~ The records custodian is not necessarily the original preparer or receiver of the record.
- (5) Requestor: A person seeking access to a public record, whether it is for inspection or duplication.
- (6) T.C.A: Tennessee Code Annotated.
- (7) TDOSHS: The Tennessee Department of Safety & Homeland Security.
- (8) TPRA: Tennessee Public Records Act, T.C.A. §§ 10-7-501 et seq.
- (9) Unclaimed Request: Any request which has not been inspected, picked up, paid for, or otherwise obtained by the requestor more than thirty (30) days after the date the requestor was notified that the records were available for inspection or copies were ready to be picked up, or any request where there has been no response from the requestor more than thirty (30) days after the last date of correspondence from TDOSHS.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; ~~and 10-7-503 et seq. 2008 Public Chapter 1179; and 2018 Public Chapter 712. Administrative History: Public necessity rule filed November 5, 2008; effective through April 19, 2009. Original rule filed November 5, 2008; effective March 30, 2009. Amendments filed December 5, 2018; effective March 5, 2019.~~

**1340-08-01-.03 Requesting Access to Public Records ~~REQUESTING ACCESS TO PUBLIC RECORDS~~.**

- (1) Public record requests shall be made to the Public Records Request Coordinator (PRRC) or designee in order to ensure public record requests are routed to the appropriate records
- October, 2022 (Revised)

(Rule 1340-08-01-.03, continued)

custodian and fulfilled in a timely manner.

- (2) Proof of Tennessee citizenship is required as a condition to inspect or receive copies of public records.

- (a) Proof of citizenship can be furnished by:

1. Presentation of a valid Tennessee driver's license, or other state issued photographic ID that includes the requestor's Tennessee address at the time of the request;
2. Submission of a request on business letterhead with the business' address in Tennessee. Records will be sent to the Tennessee address on the letterhead and not to any other address;
3. Presentation of a valid Tennessee driver license or other state issued photographic ID that includes the requestor's Tennessee address prior to the inspection of records or a requestor obtaining the records in person;

4. An individual can provide a sworn, notarized statement including the requestor's Tennessee residential address as of the date of the sworn statement; or

5. Anything otherwise acceptable at the discretion of the PRRC, the Commissioner of TDOSHS, or the Commissioner's designee.

- (b) ~~The Department TDOSHS~~ reserves the right to request additional ID if the validity of the business address, ~~or the~~ identification presented, or sworn notarized statement, is in question. ~~The Department TDOSHS~~ will notify a requestor in writing, when possible, of the need for additional documentation.

- (c) ~~The Department TDOSHS~~ may also ask the person to allow, in writing via email or letter, ~~the Department~~ to verify the address through ~~the Department TDOSHS's~~ driver license system if the person does not wish to provide a copy of the driver license or other ID.

- (3) Inspections

- (a) 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.

- (b) Requests for inspection may be made orally or in writing ~~using the Public Records Request Form (SF-1565) located at~~ <https://www.tn.gov/safety/publicsafety/openrecords.html>, by:

1. ~~Mailing or in person~~ to 312 Rosa L. Parks Avenue, 25th Floor, Nashville, TN 37243;
2. Phone at 615-251-5166; or
3. E-mail to [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov).

- (c) All inspections must be arranged by appointment only.

- (d) 4- Requests to inspect personnel files or disciplinary files of law enforcement personnel will require the Tennessee Department of Safety Request for Personnel File Inspection/Copies Form (SF-1079), to be provided prior to inspection in order to comply with T.C.A. § 10-7-504(g). The form is located at <https://www.tn.gov/safety/publicsafety/openrecords.html>

(Rule 1340-08-01-.03, continued)

~~1.2.~~ While requests may be made in person, requested files may not be readily available. The requestor may be asked to schedule an inspection time in order for ~~the~~ TDOSHS to locate, review, and, if necessary, redact any and all requested files.

~~2. (3-)~~ The law enforcement officer whose file has been requested will be provided notice of who requested the file as required by T.C.A. § 10-7-504(g).

(4) Requests for copies or for inspection and copies.

(a) Requests for copies, or requests for inspection and copies, shall be made in writing. ~~A using the~~ Public Records Request Form ~~(SF-1565) located~~ is available at <https://www.tn.gov/safety/publicsafety/openrecords.html>.

(b) ~~4.~~ Requests to inspect or for copies of personnel files or disciplinary files of law enforcement personnel will require the Tennessee Department of Safety Request for Personnel File Inspection/Copies Form (SF-1079), to be provided prior to inspection or production of files in order to comply with T.C.A. § 10-7-504(g). The form is located at <https://www.tn.gov/safety/publicsafety/openrecords.html>

~~2. 1.~~ While requests may be made in person, requested files may not be readily available. The requestor will may be asked to schedule an inspection time in order for ~~the~~ TDOSHS to locate, review, and, if necessary, redact any and all requested files.

~~3. 2.~~ The law enforcement officer whose file has been requested will be provided notice of who requested the file as required by T.C.A. § 10-7-504(g).

(c) Requests can be made by:

1. Mail to 312 Rosa L. Parks Avenue, 25th Floor, Nashville, TN 37243;

2. Phone at 615-251-5166; ~~or~~

3. E-mail to [Safety.OpenRecords@tn.gov](mailto:Safety.OpenRecords@tn.gov); or

4. To any Tennessee Highway Patrol District Headquarters.

(5) Statistical data of ~~the~~ TDOSHS is available online for the categories listed below.:

(a) Checkpoint Locations: <https://www.tn.gov/safety/tnhp/checkpoints.html>

(b) Crash Data: <https://www.tn.gov/safety/stats/crashdata.html>

(c) THP Activity: <https://www.tn.gov/safety/stats/thpactivity>

(d) Handgun Carry Permits: <https://www.tn.gov/safety/handgunmain.html>

(e) Driver License: <https://www.tn.gov/safety/driver-services.html>

(f) Special Reports: <https://www.tn.gov/safety/stats/specialreports.html>

(g) Historical Data: <https://www.tn.gov/safety/stats/historical.html>

(h) Forfeiture: [https://www.tn.gov/safety/stats/asset\\_forfeiture\\_reports.html](https://www.tn.gov/safety/stats/asset_forfeiture_reports.html)

(Rule 1340-08-01-.03, continued)

~~filed December 5,~~  
~~2018; effective March 5, 2019.~~

**1340-08-01-.04 Sale of Motor Vehicle Records ~~SALE OF MOTOR VEHICLE RECORDS.~~**

- (1) For the preparing and furnishing of each individual motor vehicle record (MVR), ~~TDOSHS the Department~~ shall charge a fee of five (\$5.00) dollars in accordance with T.C.A. § 55-50-204(d)(1).
  - (a) For the purpose of this rule, "individual motor vehicle record (MVR)" means the complete record, prepared and maintained by ~~TDOSHS the department~~, as it pertains to an individual's driver license and driver history.
  - (b) The ~~five (\$5.00) dollar~~ fee shall be charged per individual MVR whether furnished in paper or electronic format, ~~whether redacted or unredacted. This fee cannot be waived.~~
- (2) For the preparing and furnishing in bulk portions of individual MVR's, ~~TDOSHS the department~~ shall charge a fee that is calculated based on the Schedule of Reasonable Charges for Copies of Public Records established pursuant to T.C.A. § 8-4-604(a)(1).
  - (a) For the purpose of this rule, "bulk" means the one-time preparation and furnishing of portions of multiple individual MVR's.
  - (b) Bulk requests shall be furnished in electronic format unless requested otherwise and agreed to by ~~TDOSHS the department~~.
- (3) Recurrent Bulk Purchases
  - (a) For the purpose of this rule:
    1. "Recurrent" means monthly or other frequent periodic time interval determined by ~~TDOSHS the department~~.
    2. "Standard Format" means the three files furnished by ~~TDOSHS the Department~~ which include the following:
      - (i) All Driver File: contains demographic information on all drivers in Tennessee at the time the file is created, other than the social security number.
      - (ii) Monthly Violations File: contains demographic information of all drivers that had a violation event during the previous month, including the date of any violation event, but excluding the social security number.
      - (iii) Monthly Revocations and Suspensions File: contains all drivers who had a revocation event during the previous month, including the date of any revocation event, but excluding the social security number.
    3. "Expanded Format" means the three files furnished by ~~TDOSHS the Department~~ which include the following:



(Rule 1340-08-01-.04, continued)

- (i) All Driver File: contains demographic information on all drivers in Tennessee at the time the file is created, other than the social security number.
    - (ii) Monthly Violations File: contains demographic information of all drivers that had a violation event during the previous month, including the nature of any violation event, furnished as a history action code, but excluding the social security number.
    - (iii) Monthly Revocations and Suspensions File: contains all drivers who had a revocation event during the previous month, including the nature of any revocation event, furnished as a history action code, but excluding the social security number.
  - (b) For the recurrent preparing and furnishing of portions of multiple or all individual MVR's in Standard Format, ~~TDOSHS the department~~ shall be paid 4/100 of a dollar, per year, for each licensed driver in the state of Tennessee for that year. The total fee per year shall be based on the total number of licensed drivers in the state as of January 1, 2010, and shall be divided and paid in twelve (12) equal monthly payments. The number of licensed records used for calculating the payment shall be adjusted on January 1 of every year.
  - (c) For the recurrent preparing and furnishing of portions of multiple or all individual MVR's in Expanded Format, ~~TDOSHS the department~~ shall be paid 5/100 of a dollar, per year, for each licensed driver in the state of Tennessee for that year. The total fee per year shall be based on the total number of licensed drivers in the state as of January 1, 2010, and shall be divided and paid in twelve (12) equal monthly payments. The number of licensed records used for calculating the payment shall be adjusted on January 1 of every year.
  - (d) Recurrent requests shall be furnished in electronic format only.
  - (e) Requests made for less than twelve (12) months of recurring data in a calendar year shall be priced at the monthly fee calculated under subparagraph (b) for Standard Format or subparagraph (c) for Expanded Format for each month requested.
- (4) Historical Driver License Data
- (a) For the purposes of this rule, "Historical Driver License Data" means data, either in Expanded or Standard Format, which is more than sixty (60) days old, determined from the date of the request.
  - (b) For the preparing and furnishing of portions of Historical Driver License Data for multiple or all individual MVR's, ~~TDOSHS the Department~~ shall charge 1/12 of the fee calculated under subparagraph (3)(b) for Standard Format requests or subparagraph (3)(c) for Expanded Format requests in the year in which the request is made, for each separate request made.
  - (c) Historical Driver License Data requests shall be furnished in electronic format only.
- (5) All bulk requests, whether one time or recurrent, and all Historical Driver License data requests shall be accompanied by a statement on form SF-1289 (available at <http://www.tn.gov/assets/entities/safety/attachments/dppa.pdf> <https://www.tn.gov/content/dam/tn/safety/documents/dppa.pdf>), filled out in its entirety, indicating the request falls under one of the approved categories authorized by the Driver Privacy Protection Act of 1994 (18 U.S.C. §§ 2721-2725) and the Uniform Motor Vehicle Records Disclosure Act (~~T.C.A. Tenn. Code Ann.~~ § 55-25-101 et seq.) A new form may be required at the start of the calendar year for recurrent requests to verify the approved categories are still applicable to the requestor.

(Rule 1340-08-01-.04, continued)

**Authority:** T.C.A. §§ 4-3-2009; 8-4-604(a)(1); 10-7-501, et seq.; and 55-50-204. **Administrative History:** ~~New rule filed September 21, 2009; to be effective February 28, 2010; however on January 26, 2010, the Department of Safety withdrew the rule. Original rule filed May 27, 2010; effective October 29, 2010. Amendments filed January 11, 2016; effective April 10, 2016.~~

**1340-08-01-.05 Responding to Public Records Requests ~~RESPONDING TO PUBLIC RECORDS REQUESTS.~~**

- (1) Public Record Request Coordinator (PRCC):
  - (a) The PRRC shall review public record requests and make an initial determination of the following:
    1. If the requestor provided evidence of Tennessee citizenship;
    2. If the records requested are described with sufficient specificity to identify them; and
    3. If ~~the~~ TDOSHS is the custodian of the records.
  - (b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
    1. Advise the requestor of this rule and the ~~elections~~ determinations made regarding:
      - (i) Proof of Tennessee citizenship;
      - ~~(ii). Form(s) required for copies;~~
      - ~~(iii)(ii)~~ Fees (and labor threshold and waivers, if applicable); and
      - ~~(iv)(iii)~~ Aggregation of multiple or frequent requests.
    2. If appropriate, deny the request in writing, providing the appropriate ground such as one (1) of the following:
      - (i) The requestor is not, or has not presented evidence of being, a Tennessee citizen;
      - (ii) The request lacks specificity. ~~The~~ TDOSHS may work with requestors to clarify the request;
      - (iii) An exemption makes the record not subject to disclosure under the TPRA, and inform the requestor of the specific exemption;
      - (iv) ~~The~~ TDOSHS is not the custodian of the requested records; and/or
      - (v) The records do not exist.
    3. If appropriate, contact the requestor to see if the request can be narrowed.
    4. Forward the records request to the appropriate records custodian in ~~the~~ TDOSHS

(Rule 1340-08-01-.05, continued)

5. 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.

(c) ~~The designated PRRCs are listed online at <https://www.tn.gov/safety/publicsafety/openrecords.html>.~~

~~(d)~~ The PRRC(s) shall report to the Commissioner or the Commissioner's designee on an annual basis about the Governmental Entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

(2) Records Custodian:

- (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with T.C.A. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, TDOSHS Legal counsel, or the Attorney General's office.
- (b) 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 or PRRC shall, within seven (7) business days from the date TDOSHS receives the request, send the requestor a ~~completed Public Records Request Response located at [https://www.tn.gov/content/dam/tn/safety/documents/Public\\_Records\\_Response.pdf](https://www.tn.gov/content/dam/tn/safety/documents/Public_Records_Response.pdf).~~ The written response which shall include a statement of the time reasonably necessary to produce the records.
- (c) If a records custodian denies a public record request, ~~he or she~~ they shall deny the request in writing as provided in Rule 1340-08-01-.05(b)(2) ~~using the Public Records Request Response.~~
- (d) 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 ~~use the Public Records Request Response to~~ notify the requestor, in writing, that production of the records will be in ~~segments~~ installments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
- (e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable. ~~If there is an error in the mailing of records, the records custodian shall correct the mailing error as quickly as practicable.~~

(3) Redaction:

- (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the Office of Attorney General and Reporter.

(Rule 1340-08-01-.05, continued)

- (b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

**Authority:** T.C.A. §§ 4-3-2009; 8-4-604(a)(1); 10-7-501, et seq.; 55-50-204; ~~and 10-7-503 et seq. 2018 Public Chapter~~

~~712. **Administrative History:** New rule filed September 21, 2009; to be effective February 28, 2010; however on January 26, 2010, the Department of Safety withdrew the rule. Original rule filed May 27, 2010; effective October 29, 2010. Amendments filed January 11, 2016; effective April 10, 2016. Amendments filed December 5, 2018; effective March 5, 2019.~~

**1340-08-01-.06 Inspection of Records INSPECTION OF RECORDS.**

- (1) There shall be no charge for inspection of ~~open~~ public records.
- (2) An appointment to inspect records is required and will be set by the PRRC.
- (3) ~~(2)~~ Inspection of records shall take place at the TDOSHS office where the records are normally maintained, unless circumstances require otherwise. The location for inspection of records within the appropriate TDOSHS office shall be determined by either the PRRC or the records custodian.
- (4) ~~(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.~~
  - ~~(a) Due to staffing and security measures in place, appointments will be needed for inspections at the locations listed below:~~
    - ~~1. Knoxville Legal Office, Strawberry Plains Pike, Knoxville~~
    - ~~2. Nashville Legal Office, Foster Avenue, Nashville~~
    - ~~3. Memphis Legal Office, Macon Road, Memphis~~
    - ~~4. Human Resources, Foster Avenue, Nashville~~
    - ~~5. Any records located in the Tennessee Tower, Rosa L. Parks Avenue, Nashville~~
- (4) The requestor will be informed of the location for inspection and ~~if an appointment~~ time when-  
~~is needed at the time~~ the requestor is notified that the records are available for inspection.
- (5) If, after viewing the records, a requestor wishes to obtain copies, ~~the~~ TDOSHS shall calculate the cost based on the copy and labor charges for the entire request and, if the requestor does not wish to obtain all records produced, shall pro-rate the charges on a per page basis.
- (6) ~~(a)~~ A requestor will not be allowed to make copies of records with personal equipment, including, but not limited to, personal copier or scanners, cell phones, video, and live streaming.
  - (a) ~~(b)~~ A requestor may use a personal cellphone to take still pictures or video of records when the total amount of pages of the entire request is equal to or less than 25 one hundred (100) pages.
  - (b) Unless otherwise prohibited by subsection (a), a requestor may take notes by hand, by dictation, or on a computer.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; ~~and 10-7-503 et seq. 2018 Public Chapter 712.~~  
**Administrative History:**  
~~Original rule filed December 5, 2019; effective March 5, 2019.~~

(Rule 1340-08-01-.05, continued)

**1340-08-01-.07 Copies of Records ~~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~~ may, provided staff availability and security measures, be available for pickup at a location specified by the records custodian.
- (3) Mailing:
  - (a) ~~Upon advanced payment for postage, or submission of a prepaid envelope, e~~Copies will be delivered to the requestor's Tennessee home address or business address by the United States Postal Service.
  - (b) Copies may also be provided by Federal Express, United Postal Service, or other courier, upon submission of a prepaid envelope, prepaid mailing label, or billing account number.
  - ~~(c) Copies may be provided by UPS upon submission of a prepaid envelope or mailing label.~~
- (4) If the total cost for labor and copying is less than fifty (\$50.00) dollars, the records may be submitted electronically to the requestor's e-mail address, if provided.
- (5) Records which include personally identifiable information (PII) cannot be sent by email.
- (6) Requests which contain allowable personally identifiable information (PII) will only be provided by Secure File Transfer Protocol (SFTP), if provided electronically.
- (7) ~~(a)~~—A requestor will not be allowed to make copies of records with personal equipment, including, but not limited to, personal copier or scanners, cell phones, video, and live streaming.  
  
(a) (b) A requestor may use a personal cellphone to take still pictures or video of records when the total amount of pages of the entire request is equal to or less than 25 one hundred (100) pages.  
  
(b) Unless otherwise prohibited by subsection (a), a requestor may take notes by hand, by dictation, or on a computer.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq., 2018 Public Chapter 712.

**Administrative History:**

~~Original rule filed December 5, 2019; effective March 5, 2019.~~

**1340-08-01-.08 Fees, Charges, and Procedures for Billing and Payment FEES, CHARGES, AND PROCEDURES FOR BILLING AND PAYMENT.**

- (1) Fees and charges for copies of public records should not be used to hinder access to public records. Unless otherwise required by statute, no charges will be assessed for copies and duplicates unless total cost of both copying and labor is more than fifty (\$50.00) dollars.
- (2) 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. Records custodians shall make best efforts to provide records electronically.
- (3) When fees for copies and labor do not exceed fifty (\$50.00) dollars, the fees will be waived. Fees associated with aggregated records requests will not be waived. Fees set by statute cannot be waived.
- (4) Fees and charges for copies shall be based on the most current version of the Schedule of Reasonable Charges, issued by the Office of Open Records Counsel, available at <http://www.comptroller.tn.gov/openrecords/forms.asp>  
<https://www.comptroller.tn.gov/content/dam/cot/orc/documents/oorc/policies-and-guidelines/ScheduleofReasonableCharges.pdf>.



- (5) A requestor may provide an empty jump drive, empty USB memory stick, or secured transfer site for copies of records. If the memory stick or jump drive provided is not empty, no records will be provided through that medium. There will be no copy charges when records are produced in this medium however, labor charges will still apply.

(6) (5) Other:

- (a) Five (\$5.00) dollars for each Moving Violation Record/driver history per T.C.A. § 55-50-204.
- (b) Five (\$5.00) dollars for each Affidavit for proof of insurance per T.C.A. § 55-50-204.
- (c) Four (\$4.00) dollars for unredacted crash reports per T.C.A. § 55-12-108. Paper copies of rRedacted crash reports are fifteen cents (\$0.15) per page.
- (d) Unredacted Crash Videos/DVDs with photos taken by the Investigating Trooper shall be provided for free, if the requestor is authorized to receive unredacted material under state or federal law.
- (e) Crash Videos/DVDs with photos taken by the Investigating Trooper that are required to be redacted per state or federal law will be charged at actual cost of thirty-one dollars and twenty-five cents (\$31.25) per quarter hour of video, including the cost of any redaction done by a third party vendor.
- (f) Paper copies of Crash photos taken by the Investigating Trooper shall be made available at a charge of fifteen cents (\$0.15) per page.
- (g) Bulk requests for driver license data shall be charged per Rule 1340-08-01-.04
- (h) Individual Blood Alcohol Reports shall be provided for free.
- (i) Individual Toxicology Reports shall be provided for free.
- (j) Paper copies of Vehicular Homicide Reports shall be made available at a charge of fifteen cents (\$0.15) per page. There shall be no labor charge for copying these reports.
- (k) ~~Unredacted Critical Incident Response Team ("CIRT") Videos/DVDs shall be provided for free if the requestor demonstrates they are authorized to receive unredacted material under state or federal law.~~
- ~~(l) Redacted CIRT Videos/DVDs with photos taken by CIRT will be charged at actual cost, including the cost of any redaction done by a third party vendor.~~

Paper copies of Critical Incident Response Team ("CIRT") photos taken by CIRT shall be made available at a charge of fifteen cents (\$0.15) per page. There shall be no labor charge for copying these reports.

- ~~(n)(l)~~ E-Crime Reports (SF-1496) shall be provided for free.
  - ~~(e)(m)~~ Incident Reports (SF-1493) shall be provided for free.
  - ~~(p)(n)~~ Offense Reports (SF-1492) shall be provided for free.
  - ~~(q)(o)~~ Labor when time exceeds one (1) hour.
  - ~~(r)(p)~~ If an outside vendor is used, the actual costs assessed by the vendor.
- (7) ~~(6)~~ Payment is to be made by mailing personal check, cashier's check, or money order payable to the Tennessee Department of Safety & Homeland Security ~~and presented to either the PRRC or the records custodian at the Tennessee Tower located at 312 Rosa Parks Avenue~~

- (8) ~~(7)~~ Advance payment:
- (a) Payment in advance of half of the estimated amount will be required when costs are estimated to exceed one hundred (\$100) dollars.
  - (b) Payment in advance of the full estimated amount will be required when ~~the~~ TDOSHS is using an outside vendor to complete the request. ~~The~~ TDOSHS will notify the requestor in advance of preparing the records that an outside vendor is being used and the estimated amount from the vendor.
- (9) ~~(8)~~ The Commissioner or the PRRC, as the Commissioner's designee, may, on a case-by-case basis, reduce any part of the fees calculated under this policy or waive any fee upon a written request for waiver or reduction.
- (a) Fees set by statute or charged by an outside vendor shall not be reduced or waived.
  - (b) The waiver or a reduction of any fees is in the sole discretion of the Commissioner or PRRC, is not subject to judicial review, and does not establish any precedent.
- (10) ~~(9)~~ Retention of Requests:
- (a) If a request, either for copies or inspection, is unclaimed for thirty (30) days after ~~the~~ TDOSHS notified the requestor, in writing, of the completion of the request and any charges, ~~the~~ TDOSHS shall send a letter to the requestor, in writing, notifying the requestor that:
    - 1. The records are available and the location; and
    - 2. If the records remain unclaimed for an additional thirty (30) days from the date of the letter, the requestor will need to submit a new request for the records, and the new request may result in a new fee being charged.
  - (b) At the end of the second thirty (30) day period, any original records shall be returned to their location and any copies made shall be destroyed by ~~the~~ TDOSHS. If the original requestor submits a second request prior to the destruction of any copies, ~~the~~ TDOSHS shall charge the original cost for the copying and labor, in addition to any fees that might be required if the second request seeks additional materials.
  - (c) If the request was to inspect and only a telephone number was provided, ~~the~~ TDOSHS shall telephone the requestor and make notes regarding any conversation, and shall save such notes as part of the request.
- (11) ~~(10)~~ Lack of Payment or Lack of Inspection
- (a) 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, TDOSHS is not required to comply with any public records request from the person for a period of six (6) months from the date of the second request to view the public record unless the governmental entity determines failure to view the public record was for good cause; and
  - (b) If a person makes a request for copies of a public record and, after copies have been produced, the person fails to pay to TDOSHS the cost for producing such copies, the TDOSHS is not required to comply with any public records request from the person until the person pays for such copies; provided, that the person was provided with an estimated cost for producing the copies in accordance with state law and these rules prior to producing the copies and the person agreed to pay the estimated cost for such

(12) No Response

- (a) If a person makes a request for inspection or copies of records and fails to provide necessary identification or payment within sixty (60) days of notification for identification or payment, TDOSHS may close the request and refund any monies paid.

(13) Bulk Crash Report Requests

- (a) For the purpose of this rule, "bulk" means the one-time preparation and furnishing of multiple individual crash reports.
- (b) Bulk requests shall be furnished in electronic format unless requested otherwise and agreed to by TDOSHS.
- (c) If a person makes a request for bulk crash reports and the responsive number of which is less than fifteen (15) reports, the fees associated with that request are waived.
- (d) If there more than fifteen (15) responsive records, the requestor shall be charged for the actual labor of the person or persons retrieving the reports.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq. 2018 Public Chapter 712.

**Administrative History:**

*Original rule filed December 5, 2019; effective March 5, 2019.*

**1340-08-01-09 Aggregation of Frequent and Multiple Requests AGGREGATION OF FREQUENT-AND MULTIPLE REQUESTS.**

- (1) ~~The~~ TDOSHS will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC 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) Aggregation:
- (a) The level at which records requests will be aggregated is at the ~~agency~~ departmental level.
- (b) The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian 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) When the total number of requests made by a single requestor, or multiple requestors who the PRRC deems to be working in concert, during a calendar month exceeds four (4), the PRRC or records custodian shall charge the requestor a fee for all labor that is reasonably necessary to produce copies of the requested records. The requestor is not entitled to one (1) free hour of labor before additional costs are assessed.
- (i) When the total number of requests in a calendar month exceed four (4), the requestor must be notified in writing that a fee will be charged for all labor reasonably necessary to produce additional materials for copying, what requests have been aggregated, and the dates and fees associated with each request.
- (ii) Labor costs shall be assessed as set forth in the Schedule of Reasonable Charges set for by the Comptroller of the Treasury Office of Open Records Counsel.

- (d) The total number of public records requests made by a requestor and by any other individual may be aggregated if the PRRC reasonably believes the requestor(s) to be acting in concert with or as the agent of another person, entity, or organization. When aggregating requests to one (1) or multiple requestors, the PRRC shall provide a notice of aggregation to all requestors.
- (e) If a PRRC or records custodian aggregates multiple requests by multiple requestors, they must promptly inform the requestors, in writing, of the determination to aggregate, that each individual has the right to appeal the aggregation determination to the OORC, and the estimated cost of labor associated with the aggregated requests.
- (3) Requests for items that are routinely released and readily accessible, such as agendas and meeting minutes, are exempt from this provision.
- (4) Any dispute regarding aggregation shall be brought to the OORC.

**Authority:** T.C.A. §§ 4-3-2009; 10-7-501, et seq.; and 10-7-503 et seq. 2018 Public Chapter 712.

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