



ECONOMIC DEVELOPMENT  
**GROWTH ENGINE**  
FOR MEMPHIS & SHELBY COUNTY

**AMENDED AND RESTATED PUBLIC RECORDS POLICY**

**ECONOMIC DEVELOPMENT GROWTH ENGINE**

**INDUSTRIAL DEVELOPMENT BOARD OF THE**

**CITY OF MEMPHIS AND COUNTY OF SHELBY, TENNESSEE**

## **EDGE AMENDED AND RESTATED PUBLIC RECORDS POLICY**

The Mayors and legislative bodies of the City of Memphis and County of Shelby, Tennessee entered into a Joint Resolution in January 2011 to unite their economic development programs by establishing the Economic Development Growth Engine Industrial Development Board of the City of Memphis and County of Shelby, Tennessee ("EDGE") pursuant to § 7-53-101, et seq. of the Tennessee Code Annotated, as amended from time to time (the "Act").

Pursuant to the service agreements between EDGE and the Industrial Development Board of the City of Memphis and County of Shelby, Tennessee ("IDB"), the Depot Redevelopment Corporation of Memphis and Shelby County ("Depot"), Foreign Trade Zone 77 ("FTZ"), the Memphis and Shelby County Port Commission ("Port", together with IDB, Depot, and FTZ collectively the "Managed Entities" or individually each a "Managed Entity"). EDGE was established with the purpose to increase the efficiency, effectiveness and impact of existing economic development programs by managing, leading and coordinating the certain initiatives for the Managed Entities affiliated with EDGE.

EDGE was directed to provide common management of the Managed Entities to organize, operate and direct the day-to-day operations of and assume all authority and functions of the Managed Entities. Included in the grant of "common management" was the vesting of the right of governance to EDGE of the Managed Entities.

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Economic Development Growth Engine Industrial Development Board of the City and the Managed Entities is hereby adopted by EDGE to provide economical and efficient access to the public records of EDGE and the Managed Entities, as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of EDGE are presumed to be open for inspection unless otherwise provided by law.

On July 18<sup>th</sup>, 2012, the Board approved the EDGE Public Records Policy (the "Public Records Policy") to comply with the Tennessee Public Records Act which mandates the inspection and/or copying of the public records of EDGE upon request by Tennessee residents. To provide further guidance and to amend certain standards contained in the Public Records Policy, EDGE believes it is in its best interest, and for the Managed Entities, to implement this Amended and Restated EDGE Public Records Policy (the "Policy" or the "Amended and Restated Public Records Policy").

Personnel of EDGE shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy 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 EDGE, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for EDGE.

This Policy is available for inspection and duplication in the office of EDGE. This Policy is posted online at <https://edgemem.com>. This Policy shall be reviewed every two years.

## **EDGE AMENDED AND RESTATED PUBLIC RECORDS POLICY**

### **I. Definitions:**

- A. **Records Custodian**: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. **Public Records**: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. **Public Records Request Coordinator**: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. **Requestor**: A person seeking access to a public record, whether it is for inspection or duplication.

### **II. Requesting Access to Public Records**

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") [openrecordrequest@edgemem.com](mailto:openrecordrequest@edgemem.com) in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license is required as a condition to inspect or receive copies of public records.
- C. Requests for inspection only are not required to be submitted in writing but written submissions are preferred to be made in writing using the required form attached and incorporated herein as Form A at 100 Peabody Place, Suite 1100, Memphis, Tennessee 38103.
- D. Requests for copies, or requests for inspection and copies, must be made in writing using the required form attached and incorporated herein as Form A at 100 Peabody Place, Suite 1100, Memphis, Tennessee 38103.
- E. Public notices, meeting documents and other commonly requested records are posted online and readily available at <https://edgemem.com>.

### **III. Responding to Public Records Requests**

- A. Public Record Request Coordinator
  - 1. The PRRC shall review public record requests and make an initial determination of the following:
    - a. If the requestor provided evidence of Tennessee citizenship;
    - b. If the records requested are described with sufficient specificity to identify them; and
    - c. If EDGE is the custodian of the records.
  - 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
    - a. Advise the requestor of this Policy and the elections made regarding:
      - i. Proof of Tennessee citizenship;
      - ii. Form(s) required for copies;
      - iii. Fees (and labor threshold and waivers, if applicable); and
      - iv. Aggregation of multiple or frequent requests.
    - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
      - i. The Requestor is not, or has not presented evidence of being, a Tennessee citizen.

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- ii. The request lacks specificity.
      - iii. An exemption makes the record not subject to disclosure under the TPRA.
      - iv. EDGE is not the custodian of the requested records.
      - v. The records do not exist.
    - c. If appropriate, contact the Requestor to see if the request can be narrowed.
    - d. Forward the records request to the appropriate Records Custodian at EDGE.
    - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the Requestor of the correct governmental entity and PRRC for that entity if known.
  3. The designated PRRC(s) is:
    - a. Joann Massey, Vice-President of Operations
    - b. Economic Development Growth Engine Industrial Development Board for the City of Memphis and County of Shelby, Tennessee  
100 Peabody Place, Ste. 1100, Memphis, TN 38103-3652  
Phone: (901) 341-2100, Email: [openrecordrequest@edgemem.com](mailto:openrecordrequest@edgemem.com)
  4. The PRRC(s) shall report to the governing authority on an annual basis about the EDGE's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.
- B. Records Custodian
1. Upon receiving a public records request, a Records Custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the Records Custodian is uncertain that an applicable exemption applies, the Records Custodian may consult with the PRRC or counsel, or the OORC.
  2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a Records Custodian shall, within seven (7) business days from the Records Custodian's receipt of the request, send the Requestor a completed Public Records Request Response Form which is attached as Form A.
  3. If a Records Custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.
  4. If a Records Custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the Records Custodian shall use the Public Records Request Response Form to notify the Requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Records Custodian should contact the Requestor to see if the request can be narrowed.
  5. If a Records Custodian discovers records responsive to a records request were omitted, the Records Custodian should contact the Requestor concerning the omission and produce the records as quickly as practicable.

### **IV. 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.
- B. Whenever a redacted record is provided, a Records Custodian should provide the Requestor

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with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

### **V. Inspection of Records**

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of EDGE should be determined by either the PRRC or the Records Custodian.
- C. Under reasonable circumstances, the PRRC or a Records Custodian may require an appointment for inspection or may require inspection of records at an alternate location. The PRRC will schedule a day and time for the inspection period. The time will be between the hours of 9 a.m. and 3 p.m., Monday through Thursday.

### **VI. Copies of Records**

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian 100 Peabody Place, Suite 1100, Memphis, Tennessee 38103.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

### **VII. Fees and Charges and Procedures for Billing and Payment**

- A. Records custodians shall provide requestors with an itemized estimate of the charges using Form B, prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- B. Requests for waivers for fees above \$10.00 must be presented to PRRC, who is authorized to determine if such waiver is in the best interest of EDGE and for the public good.
- C. Fees associated with aggregated records requests will not be waived.
- D. Fees and charges for copies are as follows:
  1. \$0.50 per page for letter- and legal-size black and white copies.
  2. Labor when time researching the request exceeds one (1) hour. Staff time beyond one (1) hour for the request shall be invoiced at 1.5 times the hourly rate.
  3. If an outside vendor including, but not limited to, legal counsel is used, the actual costs assessed by the vendor.
- E. No duplication costs will be charged for requests for less than ten (10) pages.
- F. Payment is to be made in cash or by credit card payable to EDGE presented to PRRC or their designee.
- G. Payment in advance will be required when costs are estimated to exceed \$20.00.
- H. Aggregation of Frequent and Multiple Requests
  1. EDGE will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than three (3) requests are received within a calendar month either from a single person or a group of individuals deemed working in concert in the sole discretion of the PRRC as further described below.
  2. If aggregating:
    - a. The level at which records requests will be aggregated is the whole EDGE entity.
    - 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 EDGE Board.

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**FORM A**

**EDGE PUBLIC RECORDS REQUEST FORM**

*The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.*

**To:** Economic Development Growth Engine Industrial Development Board for the City of Memphis and County of Shelby, Tennessee ("EDGE")  
100 Peabody Place, Ste. 1100, Memphis, TN 38103-3652  
Phone: (901) 341-2100, Email: [openrecordrequest@edgemem.com](mailto:openrecordrequest@edgemem.com)

**From:** Requester's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Are you a Tennessee citizen?

Yes\*

No

*\* Must be validated by providing a copy of a valid Tennessee Driver's License*

**Request:**  Inspection  
 Copy/Duplicate

*If costs for copies are assessed, the you have a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$20.00? If so, initial here:\_\_\_\_\_.*

**Delivery Preference:**  On-Site Pick-Up  
 USPS First-Class Mail-Postage must be paid with copy costs  
 Electronic  
 Other: \_\_\_\_\_

*[Complete the Written Request on the Following Page]*

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**FORM A**

**EDGE PUBLIC RECORDS REQUEST FORM**

**Records Requested:**

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

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\_\_\_\_\_  
Signature of Requestor

\_\_\_\_\_  
Signature of Public Records Request Coordinator

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Received

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**FORM B**  
**EDGE PUBLIC RECORDS REQUEST RESPONSE FORM**

[Date]

Requester's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

In response to your records request received on [Date Request Received], our office is taking the action(s) <sup>1</sup> indicated below:

- The public record(s) responsive to your request will be made available for inspection:  
Location: \_\_\_\_\_  
Date & Time: \_\_\_\_\_
  
- Copies of public record(s) responsive to your request are:
  - Attached;
  - Available for pickup at the following location:  
\_\_\_\_\_ ; or
  - Being delivered via:  USPS First-Class Mail  Electronically  Other: \_\_\_\_\_.
  
- Your request is denied on the following grounds:
  - Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
  - No such record(s) exists or this office does not maintain record(s) responsive to your request.
  - No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
  - You are not a Tennessee citizen.
  - You have not paid the estimated copying/production fees.
  - The following state, federal, or other applicable law prohibits disclosure of the requested records:  
\_\_\_\_\_.
  
- It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:
  - It has not yet been determined that records responsive to your request exist; or
  - The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: \_\_\_\_\_.

If you have any additional questions regarding your record request, please contact the Public Records Request Coordinator.

Sincerely,

EDGE Public Record Request Coordinator

By: \_\_\_\_\_  
Joann Massey  
Phone: (901) 341-2100  
Email: [openrecordrequest@edgemem.com](mailto:openrecordrequest@edgemem.com)

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<sup>1</sup> If all requested records do not have the same response, so indicate.