Open Records Counsel's answers to my inquiry 22448, November 5 and 6, 2026

From: Open.Records@cot.tn.gov
To: Rachel Hurley
Date: November 5, 2026, 9:44 AM Central
Subject: Regarding Inquiry 022448 to the Office of Open Records Counsel

Hi Ms. Hurley,

Thank you for reaching out to the Office of Open Records Counsel with your questions related to the Tennessee Public Records Act (TPRA) request you submitted to the Economic Development Growth Engine Industrial Development Board (EDGE) for Memphis and Shelby County. Please see your questions below with my responses in blue.

1. When a request is to inspect only, is it consistent with the Public Records Act for EDGE to give 90 days without saying why, and to decline to make any part available sooner?

Generally, yes. Governmental entities are not required to stop other responsibilities to respond to a TPRA request but should communicate to the requester when the records are expected to be ready for inspection.

2. Can EDGE refuse to let me inspect records in batches as they become ready?

We would generally suggest that governmental entities allow inspection for records in batches when the requests are large and can take a significant amount of time to prepare. However, I'm not aware of any provision requiring records to be released in batches or on a rolling production schedule.

3. Should EDGE's response tell me where, when and how the records will be made available for inspection?

No. Once the records are prepared, they can notify you that the records are ready for inspection and tell you at that time where they will be available.

4. Is EDGE required to itemize the $3,000 estimate, as its own policy describes?

They should provide an itemized estimate but I'm not aware of a statutory requirement to do so. If their policy requires that an itemized estimate be provided, they should follow that policy.

Thank you,
Toni
Toni Chadwick
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From: Rachel Hurley
To: Open.Records@cot.tn.gov

Date: November 5, 2026, 11:46 AM Central
Subject: Re: Regarding Inquiry 022448 to the Office of Open Records Counsel

Hi Toni,

Thank you for your answers on Inquiry 022448. I have one follow-up, based on what EDGE wrote to me this morning, November 5, after your reply.

My request is to inspect records only. EDGE says it will not charge a copy charge for pages I do not need copied, and no charge for a meeting to review the materials at its offices. It also says I am "incorrect about the charge for assembling the materials," and that "Once you provide the direction for which items you still require and pay the estimated fees, we will commence the research."

Under Tenn. Code Ann. 10-7-503(a)(7)(A), can a governmental entity require a requester who only wants to inspect records to pay for the labor of gathering them, and to pay before it starts gathering them?

Thank you,
Rachel Hurley

From: Open.Records@cot.tn.gov
To: Rachel Hurley
Date: November 6, 2026, 9:51 AM Central
Subject: RE: Regarding Inquiry 022448 to the Office of Open Records Counsel

Ms. Hurley,

For an in-person inspection of records, there can be no charge. If copies are requested or taken during the inspection, you may be charged the proportionate amount for those records.

Thank you,
Toni

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