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Office of Open Records Counsel Finds 538 Statutory Exceptions to the Tennessee Public Records Act

The Tennessee Comptroller's Office of Open Records Counsel (OORC) has released a new report detailing a list of statutory exceptions to the Tennessee Public Records Act.

Lieutenant Governor Randy McNally (R-Oak Ridge) and Speaker Beth Harwell (R-Nashville) asked for the list to help evaluate which exceptions may need to be removed or placed in sunset.

The OORC spent several months reviewing the Tennessee Code Annotated and gathering information from other government agencies and various organizations.

The report includes descriptions of the 538 exceptions to the Tennessee Public Records Act found in the Tennessee Code. An exception makes a public record, or information within a public record, not available for public inspection. The 538 statutory exceptions identified in the OORC's report do not include other exceptions that may be found in Tennessee court rules, federal law, common law, or agency rules.

The number of exceptions has grown substantially over the years. When the Tennessee Public Records Act was enacted in 1957, it provided only two statutory exceptions. In 1988, the Legislative Committee on Open Records reported 89 exceptions.

On January 30, 2018, Comptroller's Office Chief of Staff Jason Mumpower will present the report on Statutory Exceptions to the Tennessee Public Records Act to the Senate State & Local Government Committee at 10:30 a.m. and the House State Government Committee at 12:00 p.m.

To view the Public Records Exceptions Database online, go to: <http://www.comptroller.tn.gov/openrecords/>

About the Office of Open Records Counsel:

The Office of Open Records Counsel was created by the Tennessee General Assembly in 2008 to serve as a resource for citizens, media, and local government entities for issues related to Tennessee's public records and open meetings laws.

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