

New and Amended Exceptions to the Tennessee Public Records Act

Appendix C



August 2020



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Source	Effective/Sunset Date	Subject Matter	Government Entity	Description	Exceptions To Exception
2-2-142(f)	April 2, 2020	Voter information	Persons or organizations collecting voter information	Any person or organization other than a federal, state, or county governmental entity operating in the course and scope of its official duties who conducts a voter registration drive or operates an online voter registration platform is prohibited from copying, photographing, or in any way retaining, electronically or physically, personal identifying information collected on a voter registration application or entered into the online voter registration platform, including name, date and place of birth, residential address, mailing address, email, phone number, and signature for any purpose other than voter participation, voter engagement, or voter turnout unless the person or organization informs the applicant how the applicant's personal information will be used by the person or organization and the applicant expressly consents in writing or electronically. The social security number provided on the voter registration application or entered into the online voter registration platform is confidential and shall not be copied, photographed, or in any way retained, electronically or physically, by any person other than election officials in their official capacity.	
10-7-504(a)(20)	March 25, 2020	Private records of utilities	Utilities	(B) The private records of any utility shall be treated as confidential and shall not be open for inspection by members of the public. (C) Information made confidential by this subdivision (a)(20) shall be redacted wherever possible and nothing in this subdivision (a)(20) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains confidential information. For purposes of this subdivision (a)(20) only, it shall be presumed that redaction of such information is possible. The entity requesting the records shall pay all reasonable costs associated with redaction of materials.	
10-7-504(t)(3)(E)	June 22, 2020	Minor victims of crime	All	(t)(1) The following information concerning the victim of a criminal offense who is a minor shall be treated as confidential and shall not be open for inspection by members of the public: (A) Name, unless waived pursuant to subdivision (t)(2); (B) Home, work, and electronic mail addresses; (C) Telephone numbers; (D) Social security number; (E) Any photographic or video depiction of the minor victim; and (F) Whether the defendant is related to the victim unless the relationship is an essential element of the offense.	(3) This subsection (t) shall not be construed to: (E) Limit or prevent a political subdivision of this state from publicly releasing the name or photograph of the minor victim of a criminal offense for the purpose of memorializing minor victims of crime in a memorial garden established by the political subdivision, including any literature related to the memorial garden, if the custodial parent or legal guardian of the minor victim has consented to the release.
10-7-504(y)	June 15, 2020	Records concerning adoption proceedings and records required to be kept confidential as a condition of the receipt of federal funds.	Department of Children's Services, All	The head of a governmental entity may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to maintain the confidentiality of records concerning adoption proceedings or records required to be kept confidential by federal statute or regulation as a condition for the receipt of federal funds or for participation in a federally funded program.	
10-7-504(z)	June 15, 2020	Contingency plans of law enforcement	Law enforcement	All contingency plans of law enforcement agencies prepared to respond to any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat involving a weapon of mass destruction, or terrorist incident are not open for inspection as provided in § 10-7-503(a).	
37-1-153(b)(2)	October 1, 2020	Juvenile acts of terrorism	Juvenile records, Courts	(a) Except in cases arising under § 37-1-146, all files and records of the court in a proceeding under this part are open to inspection only by: (1) The judge, officers and professional staff of the court; (2) The parties to the proceeding and their counsel and representatives; (3) A public or private agency or institution providing supervision or having custody of the child under order of the court; (4) A court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to the proceeding in juvenile court; and (5) With permission of the court, any other person or agency or institution having a legitimate interest in the proceeding or in the work of the court.	(b) Notwithstanding subsection (a), petitions and orders of the court in a delinquency proceeding under this part shall be opened to public inspection and their content subject to disclosure to the public if: (2) The conduct constituting the delinquent act, if committed by an adult, would constitute an act of terrorism, as defined by § 39-13-803, or an attempt to commit an act of terrorism.

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37-1-154(b)(2)	October 1, 2020	Juvenile acts of terrorism	Juvenile records, Law enforcement	(a) Unless a charge of delinquency is transferred for criminal prosecution under § 37-1-134, the interest of national security requires or the court otherwise orders in the interest of the child, the law enforcement records and files shall not be open to public inspection or their contents disclosed to the public...	(b) Notwithstanding subsection (a), petitions and orders of the court in a delinquency proceeding under this part shall be opened to public inspection and their content subject to disclosure to the public if: (2) The conduct constituting the delinquent act, if committed by an adult, would constitute an act of terrorism, as defined by § 39-13-803, or an attempt to commit an act of terrorism.
40-39-211(c)(2)(D)	April 1, 2020	Child sex offenders, child abuse	Courts	(D) All files and records of the court in the proceeding [held under subdivision (c)(1) to determine if offender poses danger of substantial harm to minor] must be treated as confidential and shall not be open to the public or disclosed to the public, but are open to: (i) The judge, officers, and professional staff of the court; (ii) The parties to the proceeding and their counsel and representatives; (iii) Any parent or legal guardian of the minor other than the offender; (iv) The offender's registering agency; and (v) With permission of the court, any other person or agency having a legitimate interest in the proceeding.	
49-6-1601	August 1, 2020	Child abuse	Schools, LEAs	(c)(7) The child abuse coordinator and the alternate child abuse coordinator must maintain confidential files in accordance with §§ 37-5-107 and 37-1-612 regarding all reported suspicions of child abuse and child sexual abuse. (d)(4) School teachers, school officials, and other school personnel must maintain confidentiality of all information regarding any child abuse or child sexual abuse report made pursuant to this section and all information regarding the suspected child abuse or child sexual abuse must be maintained by the school child abuse coordinator in a confidential file separate from the child's educational file.	
57-3-202(i)(6)(E)	July 15, 2020	Distillery records	Alcoholic Beverage Commission	Any records or reports filed in accordance with subdivision (i)(6)(D) [regarding transfer or receipt of distillery products to another location] are privileged and confidential and are not public records.	

