

# New and Amended Exceptions to the Tennessee Public Records Act

Appendix D



August 2021



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Source	Effective/Sunset Date	Subject Matter	Government Entity	Description	Exceptions To Exception
4-61-105(a)	July 1, 2021	Disability claims	Office of Cooperative Disability Investigations, Tennessee Department of Finance and Administration	Records obtained pursuant to this chapter must be treated as confidential investigative records of the division and must not be open to public inspection.	
10-7-503(d)	May 4, 2021	Records of nonprofits and associations	None	<p>(2)The records of an organization are confidential and are not open for inspection under subsection (a) if the organization complies with the following requirements:</p> <p>(A) The comptroller of the treasury or the comptroller's designee audits the organization annually;</p> <p>(B) The cost of the audit is paid by the organization;</p> <p>(C) Each audit is completed as soon as practicable after the end of the fiscal year of the organization; and</p> <p>(D) In addition to other information required by the comptroller of the treasury, each audit contains:</p> <p>(i) A listing, by name of the recipient, of all compensation, fees, or other remuneration paid by the organization, or any other organization during the audit year to, or accrued on behalf of, the organization's directors and officers;</p> <p>(ii) A listing, by name of recipient, of all compensation and any other remuneration paid by the organization during the audit year to, or accrued on behalf of, an employee of the organization who receives more than twenty-five thousand dollars (\$25,000) in remuneration for such year;</p> <p>(iii) A listing, by name of beneficiary, of deferred compensation, salary continuation, retirement, or other fringe benefit plan or program (excluding qualified health and life insurance plans available to all employees of the organization on a nondiscriminatory basis) established or maintained by the organization for the benefit of any of the organization's directors, officers, or employees, and the amount of any funds paid or accrued to such plan or program during the audit year; and</p> <p>(iv) A listing, by name of recipient, of all fees paid by the organization during the audit year to a contractor, professional advisor, or other personal services provider, which exceed two thousand five hundred dollars (\$2,500) for such year. Such listing must also include a statement as to the general effect of each contract and must include each specific amount paid or payable thereunder.</p> <p>(3) An audit conducted under subdivision (d)(2) must be made available for public inspection and copies of such audit must be made available to the press.</p> <p>(4) The records of the following organizations are confidential and not subject to this subsection (d):</p> <p>(A) An organization that employs less than three (3) full-time staff members; and</p> <p>(B) An organization that was exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3), as of January 1, 1998, and which makes available to the public its federal return of organization exempt from income tax (Form 990) in accordance with the Internal Revenue Code and related regulations.</p>	
10-7-504(a)(4)(H)	May 11, 2021	Juveniles	Schools, Law enforcement	A record of a minor student attending an institution of secondary or elementary education that is created by a school resource or other law enforcement officer, or that is maintained by a law enforcement agency as the result of an incident involving the minor that occurred on school property and did not result in a charge of delinquency is confidential and not open to public inspection	<p>unless:</p> <p>(i) The person requesting the information obtains consent from the minor's parent or guardian;</p> <p>(ii) The request is made subject to a court order; or</p> <p>(iii) A law enforcement officer of another jurisdiction requests the record when necessary for the discharge of the law enforcement officer's official duties.</p>
10-7-504(a)(31)	May 26, 2021	Accident reports	Law enforcement	(A) Except as provided in subdivisions (a)(31)(B)-(D), personally identifying information of any person named in any motor vehicle accident report is confidential and not open for public inspection.	<p>(B) Notwithstanding subdivision (a)(31)(A) and upon written request, a motor vehicle accident report containing personal identifying information of persons involved in the accident may be given to:</p> <p>(i) Any person named in the motor vehicle accident report;</p> <p>(ii) An agent, legal representative, or attorney of any person or property owner named in the motor vehicle accident report, with certification of permission from the person the agent, legal representative, or attorney represents;</p> <p>(iii) The owner of any real property listed in the report; or</p> <p>(iv) Any person or entity authorized to obtain motor vehicle records information</p>

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					<p>pursuant to § 55-25-107(b)(1), (b)(6), or (b)(9).</p> <p>(C) Notwithstanding subdivision (a)(31)(A), any federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency, may use personally identifying information in carrying out the agency's functions.</p> <p>(D) Nothing in this subdivision (a)(31) prevents a law enforcement entity from releasing information about traffic accidents to the public, including the name, age, and county or city of residence of a person involved in an accident, when the law enforcement entity determines such release is in the best interest of the agency and for the public good.</p>
10-7-504(a)(32)	April 22, 2021	Automatic license plate reader data	All	Captured plate data from automatic license plate reader systems must be treated as confidential and shall not be open for inspection by members of the public.	
10-7-504(f)	April 28, 2021	Federal law enforcement officer personal information	Law enforcement	<p>(1) The following records or information of any state, county, municipal or other public employee or former employee, or applicant to such position, of any law enforcement officer commissioned pursuant to § 49-7-118, or of any federal law enforcement agent or officer conducting an operation in this state, in the possession of a governmental entity or any person in its capacity as an employer shall be treated as confidential and shall not be open for inspection by members of the public:</p> <p>(A) Home telephone and personal cell phone numbers;</p> <p>(B) Bank account and individual health savings account, retirement account and pension account information; provided, that nothing shall limit access to financial records of a governmental employer that show the amounts and sources of contributions to the accounts or the amount of pension or retirement benefits provided to the employee or former employee by the governmental employer;</p> <p>(C) Social security number;</p> <p>(D)(i) Residential information, including the street address, city, state and zip code, for any state employee; and</p> <p>(ii) Residential street address for any county, municipal or other public employee;</p> <p>(E) Driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of the employee's job;</p> <p>(F) The information listed in subdivisions (f)(1)(A)-(E) of immediate family members, whether or not the immediate family member resides with the employee, or household members;</p> <p>(G) Emergency contact information, except for that information open to public inspection in accordance with subdivision (f)(1)(D)(ii); and</p> <p>(H) Personal, nongovernment issued, email address.</p>	<p>(3) Nothing in this subsection (f) shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.</p> <p>(4) Nothing in this subsection (f) shall be construed to close any personnel records of public officers which are currently open under state law.</p> <p>(5) Nothing in this subsection (f) shall be construed to limit access to information made confidential under this subsection (f), when the employee expressly authorizes the release of such information.</p>
10-7-504(aa)	May 4, 2021	Personal information related to property alert services	Register of Deeds, All	The name, mailing address, physical address, phone number, email address, social security number, or any other personally identifying information provided by an individual, whether or not the individual is a citizen of this state, as part of the individual's use of, or participation in, a government-sponsored or -supported property alert service or program, is not a public record and is not open for public inspection. As used in this subsection (aa), "property alert service or program" refers to an online service that electronically alerts participants when a document is filed and indexed in the register of deed's office that references the participant's name or address.	
10-7-504(bb)	May 26, 2021	Identifying information of arrestees	Law enforcement	Except as provided in subdivision (a)(31), personal identifying information compiled by and in the possession of municipal and county law enforcement agencies and detention facilities concerning any person who has been arrested or charged, but not convicted, of any offense is confidential;	<p>This subsection (bb) does not make confidential the street address of a reported crime. This subsection (bb) does not apply to any person who is arrested or charged for a parole or probation violation during the term of a suspended or deferred sentence.</p> <p>(2) This subsection (bb) does not prohibit the disclosure of personal information that is used to populate and maintain the statewide automated victim information and notification system, created by title 40, chapter 38, part 5.</p> <p>(3) As used in this subsection, "personal identifying information" means the home street address, excluding the name of the city or the zip code. "Personal identifying information" also means the personal telephone number and social security number of the person.</p> <p>(4) This subsection (bb) does not apply to a consumer reporting agency when compiling a consumer report, as defined by 15 U.S.C. § 1681a.</p>
10-7-504(cc)	July 1, 2021	Photographs of minors	All	(1) Photographic evidence of a fatal motor vehicle accident that depicts a deceased minor victim at the scene of the accident shall be treated as confidential and shall not be open for inspection by members of the public.	<p>(2) The custodial parent or legal guardian of the deceased minor victim whose photograph is made confidential pursuant to subdivision (cc)(1) may waive confidentiality and allow the minor victim's photograph to be used and obtained in the same manner as other public records.</p> <p>(3) This subsection (cc) does not:</p>

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					(A) Restrict the application of Rule 16 of the Tennessee Rules of Criminal Procedure in any court or the disclosure of information required of counsel by the state or federal constitution; (B) Limit or deny access to otherwise public information because a file, document, or data file contains a photograph made confidential by subdivision (cc)(1); provided, that the photograph must be removed before any access is granted to a member of the public; or (C) Limit access to records by law enforcement agencies, courts, or other governmental agencies engaged in investigating or prosecuting a criminal offense.
24-1-204(b)	July 1, 2021	Critical incident stress management communications	All	(b) All communications between a team member or team leader providing, and a group participant or person participating in, a crisis intervention shall be considered confidential and no such person shall be required to disclose any such communication unless otherwise required by law or rule of court.	
34-3-105(f)	May 4, 2021	Conservatorship examinations	Courts	Reports and documents prepared under this section are confidential and are not open for inspection by the public.	However, this section does not: (1) Limit the respondent or the respondent's agent or attorney from having access to any such reports or documents about the respondent; or (2) Prohibit an investigative body from accessing any such reports or documents as authorized or required by law.
35-15-113	January 1, 2022	Trusts	Secretary of State	(d)The registration is confidential and not subject to public inspection under title 10, chapter 7, part 5.	(e) Notwithstanding subsection (d), the settlor, a trustee, trust advisor, or trust protector for the trust may obtain a certified copy of the registration upon filing a request with the secretary of state that includes a signed attestation that they are the settlor or a currently serving trustee, trust advisor, or trust protector, and paying a filing fee of one hundred dollars (\$100) payable to the secretary of state. If the requesting person is not listed in the initial registration, such as in the case of a newly appointed trustee, trust advisor, or trust protector, then the requesting party must provide documentation evidencing the requesting party's appointment.
37-1-187(f)	July 1, 2021	Juvenile delinquent identifying information	Administrative Office of the Courts	Identifying information received by the administrative office of the courts is confidential; must not be published, released, or otherwise disseminated; and must be maintained in accordance with state and federal laws and regulations regarding confidentiality. The administrative office of the courts may make such data available to properly concerned agencies and individuals, or to any person upon request, but any such publication or release of data must be limited to nonidentifying information. The administrative office of the courts shall develop guidelines and procedures to expunge identifying information collected on juveniles; provided, that such expunction may occur only after the juvenile reaches the age that is beyond jurisdiction of the juvenile court.	
38-6-128(e)	July 1, 2021	Sexual assault tracking system	Tennessee Bureau of Investigation	Records and information contained in the tracking system pursuant to this section are confidential and not a public record.	
39-13-612	October 1, 2021	Personally identifying information	All	(c) Notwithstanding any law to the contrary, and subject to subsections (e), (g), and (h), a public agency shall not: (1) Release, publicize, or otherwise publicly disclose personal information in possession of that public agency; and (2) Require an entity exempt from federal income tax under § 501 (c) of the Internal Revenue Code to provide the names or other personal information of persons who have provided financial or nonfinancial support to the exempt entity.	(d) A public agency may share personal information with a federal agency as required by federal law. However, personal information shared pursuant to this subsection (d) is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7. (e) This section does not preclude: (1) A report or disclosure required by title 2, chapter 10; (2) A report or disclosure required by title 3, chapter 6; (3) The disclosure of personal information amongst law enforcement agencies pursuant to an active investigation; (4) A lawful warrant for personal information issued by a court of competent jurisdiction; (5) A lawful request for discovery of personal information in litigation if the following conditions are met: (A) The requester demonstrates a compelling need for the personal information by clear and convincing evidence; and (B) The requester obtains a protective order barring disclosure of the personal information to any person not named in the litigation; (6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, the court shall issue a protective order barring disclosure of the personal information to any person not named in the litigation; (7) A state agency from requesting or disclosing personal information as required by federal or state law; (8) A lawful request for discovery of personal information in litigation to demonstrate that a party has standing to bring or appeal any action; or (9) The enforcement of title 48, chapter 101, part 5, by the appropriate state officials. (g) The comptroller of the treasury or the comptroller's designated representative shall have access to personal information for purposes of audit or investigation, but

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					that personal information is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7. (h) A state agency or the agency's designated representative shall have access to personal information for purposes of conducting an audit, monitoring, verifying eligibility for benefits, conducting a background check, or conducting an investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not a public record pursuant to title 10, chapter 7. (i) An institution of higher education is not subject to this section. (j) This section does not apply to a national securities association that is registered pursuant to Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. § 78o-3), as amended, or regulations adopted under the Act, or any information such national securities association provides to the commissioner of commerce and insurance pursuant to title 48, chapter 1, and rules promulgated pursuant to that chapter.
39-15-219(s)	July 1, 2021	Aborted fetal remains	Tennessee Department of Health	(1) A completed form described in subdivision (m)(1) is confidential and is not a public record open for inspection. (2) The physician that performs the abortion shall retain completed forms described in subdivision (m)(1) in the pregnant woman's medical record as a record of the disposition of the fetal remains and shall report the disposition of the fetal remains to the commissioner of health, as required under § 39-15-203.	
39-17-1367(d)	July 1, 2021	Firearm information	All	(2) Firearm information contained in documents pursuant to subdivision (d)(1) must be redacted by the record holder prior to any release under § 10-7- 503.	
40-32-101(g)(4)	July 1, 2021	Expungement evidence	Courts	(B) The district attorney general may file evidence relating to the petition under seal for review by the court. Evidence filed under seal by the district attorney general is confidential and is not a public record.	
40-38-602(f)	April 13, 2021	Victim addresses	Secretary of State, State and Local Agencies	Except as otherwise provided in this part, a program participant's confidential address, and any other information contained within a program participant's file, maintained by a state or local government agency, or disclosed by the secretary of state under this part, is not a public record.	This subsection (f) shall not apply: (1) To any public record created more than thirty (30) days prior to the date that the program participant applied to be certified in the program; or (2) If a program participant voluntarily requests that a state or local government agency use the participant's confidential address or voluntarily gives the confidential address to the state or local government agency, except voter registration records and absentee ballot requests shall be confidential for purposes of this part.
53-10-306(a)(6)	April 13, 2021	Controlled substance database	Tennessee Department of Health	(a) Information sent to, contained in, and reported from the database in any format is confidential and not subject to title 10, chapter 7, regarding public records, and not subject to subpoena from any court and shall be made available only as provided for in § 53-10-308 and to the following persons in accordance with the limitations stated and rules promulgated pursuant to this part, or as otherwise provided for in § 53-10-311:	(6) The state chief medical examiner, a deputy or assistant state medical examiner appointed pursuant to § 38-7-103, a county medical examiner or deputy county medical examiner appointed pursuant to § 38-7-104, or a forensic pathologist under the control or direction of the chief medical examiner or a county medical examiner when acting in an official capacity as established in § 38-7-109; provided, that any access to information from the database is subject to the confidentiality provisions of this part, except where information obtained from the database is appropriately included in any official report under § 38-7-110(c).
55-10-115(d)	July 1, 2021	Fatal accident reports	Tennessee Department of Safety and Homeland Security, Law enforcement	(3) A crash report that is subject to an ongoing investigation or court order requiring the information be kept confidential shall not be released under this subsection (d). (4) The federal Driver Privacy Protection Act (18 U.S.C. §§ 2721-2725), the Uniform Motor Vehicle Records Disclosure Act, compiled in chapter 25 of this title, and any other state or federal law regarding protection of personally identifiable information apply to any report released under this subsection (d).	
56-2-1008(a)	July 1, 2021	Insurance cybersecurity	Tennessee Department of Commerce and Insurance	(a) Documents, materials, or information in the department's control or possession that are furnished by a licensee, or an employee or agent acting on behalf of the licensee, pursuant to § 56-2-1004(9) or § 56-2-1006(b), or that are obtained by the commissioner in connection with an investigation or examination pursuant to § 56-2-1007: (1) Are confidential and not open for inspection by members of the public under title 10, chapter 7 or § 56-1-602; and (2) Are not subject to subpoena, subject to discovery, or admissible in evidence in a private civil action, except that the commissioner may use the documents, materials, or information in the furtherance of regulatory or legal action by the commissioner.	
63-1-150(d)	July 1, 2021	Federally qualified health centers	Healthcare Quality Improvement Committee	Records of a QIC and testimony or statements by a healthcare organization's officers or directors, trustees, healthcare providers, administrative staff, employees or other committee members or attendees relating to activities of the QIC shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena or admission into evidence in any judicial or administrative proceeding. Any person who supplies information, testifies or makes statements as part of a QIC may not be required to provide information as to the information, testimony or statements provided to or made before such a committee or opinions formed by such person as a result of committee participation.	

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63-11-502	May 11, 2021	Psychologist licensure	Psychology Interjurisdictional Compact Commission	All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.	
67-1-1707(f)	May 4, 2021	Tax information	All		This part does not restrict the public disclosure of the name and address of an owner of a business tax license under chapter 4, part 7 of this title, or any information on the license or license application pertaining to whether the owner is a veteran or a member of a minority group based on race, ethnicity, religion, sex, or national origin.
67-4-722	May 4, 2021	Tax information	All	(c) Except as provided in subsection (d), all returns, tax information, and tax administration information under this part shall be subject to chapter 1, part 17 of this title.	(d) Notwithstanding any other law to the contrary, the name and address of any present or former owner or operator of any trade or business as appearing on any business or occupation license or application for a license, and information on the license or application regarding whether the trade or business is veteran- or minority-owned, is a public record open for public inspection within the meaning of the Public Records Act, compiled in title 10, chapter 7, and the record is not confidential information
71-1-105(a)(16)(B)(i)	July 1, 2021	Disability investigations	Tennessee Department of Finance and Administration, Tennessee Office of Cooperative Disability Investigations	(i) Except as provided in subdivisions (a)(16)(B)(ii) and (iii), records and information obtained pursuant to an investigation conducted pursuant to this subdivision (a)(16), including the identities of witnesses or individuals with information relevant to the investigations, are confidential and not open for inspection by members of the public under title 10, chapter 7;	however, operational records of a state agency, including the department, which are not investigative records or not otherwise protected under state or federal law or other legal authority, must remain open for inspection by members of the public; (ii) The records and information to which this subdivision (a)(16)(B) applies cease to be confidential under subdivision (a)(16)(B)(i) upon closure of the investigation by the department and final adjudication of any administrative appeal of an action taken based upon the results of the investigation or the conclusion of all court proceedings in a criminal prosecution related to the investigation as evidenced by an order of the court, including the opportunity for direct appeal having been exhausted, whichever occurs later; (iii) This subdivision (a)(16)(B) does not prevent the department from sharing information or records with the district attorney general or law enforcement personnel for the purpose of cooperating with a law enforcement investigation or with the comptroller of the treasury or the comptroller's designee for the purpose of audit. Information or records that the department shares with the district attorney general or law enforcement remain confidential under subdivision (a)(16)(B)(i), except to the extent that a court orders otherwise, the information or records are used as evidence in a criminal prosecution, or the Tennessee rules of criminal procedure require disclosure. Information or records that the department shares with the comptroller or comptroller's designee for the purpose of audit remain confidential under subdivision (a)(16)(B)(i) and under § 10-7-504(a)(22)(A) as an audit working paper;

