

Bruce Allen Butler, Esq.  
P.O. Box 1462  
Knoxville, Tennessee 37901

June 4, 2008

Dear Mr. Butler:

You represented to this Office the following facts:

Until recently, the Knox County Chancery and Circuit Courts permitted public records, such as case information sheets, judgment indexes, and docket sheets, to be accessed via public computers within the Clerks' Offices. Knox County no longer offers this service due to confidential information being accessed; however, the same information is still made available to citizens who request the files from the records custodian. You believe that Knox County has made the necessary changes to the computer program so that confidential information will not be accessed, but Knox County has chosen to no longer provide this service. You are now seeking the opinion and assistance of this Office because you believe that Knox County is violating the Tennessee Public Records Act by no longer providing this service.

#### **ANALYSIS**

The analysis begins with the statutory provisions that relate to computer access to county government records. Tenn. Code Ann. § 10-7-123(a)(1) "Electronic access to county government information-Fees-Equal accessibility" says the following in part:

Each county official **may** provide computer access and remote electronic access for inquiry only to information contained in the records of that office which are maintained on computer storage media in that office, during and after regular business hours. (Emphasis added).

This language is permissive, not mandatory; therefore, if the Chancery and Circuit Court Clerks' Offices make the decision not to provide access to public records through public access computers, they are not required to do so. The Tennessee Public Records Act requires that citizens of Tennessee are able to both inspect and copy governmental records during business hours unless the records sought are confidential. Tenn. Code Ann. § 10-7-503(a). "The Tennessee Public Records Act does not however require a records custodian to provide public records in the manner a citizen requests," so long as the manner provided "does not distort the record or inhibit access to the record." *Wells v. A.C. Wharton*, 2005 WL 3309651, at \*9 (Tenn. Ct. App. 2005).

Based upon the facts presented, it appears to this Office that Knox County is not violating the Tennessee Public Records Act. Knox County, in an effort to maintain the confidentiality of certain records, decided to eliminate computer access to records in the Chancery and Circuit Courts Clerks' Offices. Even though computer access is no longer available, the exact same records are available in paper format. Although having to request each record from the records custodian is not as convenient as having independent access through the public access computers, less convenient access does not amount to a denial of access.

Please feel free to contact either me or Ann Butterworth upon receipt of this opinion if you have anything further that you would like to discuss.

Sincerely,

Elisha D. Hodge  
Open Records Specialist