



**Statutory Exceptions  
to the  
Tennessee Public Records Act**

January 2018

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January 30, 2018

The Honorable Randy McNally  
425 Fifth Avenue North  
Suite 700, Cordell Hull Building  
Nashville, Tennessee 37243

The Honorable Beth Harwell  
425 Fifth Avenue North  
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Nashville, Tennessee 37243

Lieutenant Governor McNally and Speaker Harwell:

On March 14, 2017, you requested the Comptroller of the Treasury, Office of Open Records Counsel, to compile a list of exceptions to the Tennessee Public Records Act. In response, we submit the following report on the statutory exceptions to the Tennessee Public Records Act.

The Tennessee Public Records Act helps ensure government accountability and transparency by providing Tennessee citizens access to public records. However, statutes that make certain public records confidential and exempt from disclosure are found throughout the Tennessee Code. The Office of the Comptroller of the Treasury, Office of Open Records Counsel, compiled 538 statutory exceptions as of November 2017.

We hope this report will assist your review of the statutory exceptions to the Tennessee Public Records Act. A copy of this report will also be available on our office's website so it may be utilized as a resource for citizens and governmental entities faced with making determinations regarding exceptions to the Tennessee Public Records Act.

Sincerely,

A handwritten signature in blue ink that reads "Justin P. Wilson".

Justin P. Wilson  
Comptroller

A handwritten signature in blue ink that reads "Jason E. Mumpower".

Jason E. Mumpower  
Chief of Staff



## Introduction

The following report provides a list of statutory exceptions which we found to the Tennessee Public Records Act (“TPRA”), Tenn. Code Ann. § 10-7-501 et seq. The TPRA helps ensure government accountability and transparency by granting Tennessee citizens the right to access public records, subject to other provisions of state law that make the records confidential or otherwise not open for public inspection. Tenn. Code Ann. § 10-7-503(a)(2)(A). While the TPRA requires records custodians to make public records available promptly for inspection, it also imposes an affirmative obligation upon records custodians to determine whether state law makes a record, or information contained in the record, confidential.

When the TPRA was enacted in 1957, it provided for only two statutory exceptions. In 1988, the Legislative Committee on Open Records reported eighty-nine exceptions. As of November 2017, the Office of Open Records Counsel identified 538 statutory exceptions. Currently, only two exceptions are scheduled to sunset.

In addition to the statutory exceptions, it is important to note exceptions to the TPRA are also found in Tennessee court rules, federal law, common law and other agency rules where the legislature grants an agency authority to limit disclosure of public records. The content of this report is limited solely to statutory exceptions promulgated by the Tennessee General Assembly.

The Office of the Comptroller and the Office of Open Records Counsel greatly appreciate the assistance and contributions provided by the various state departments and associations who supported our research to find exceptions related to their entities. An online version of this report is available at <https://www.comptroller.tn.gov/openrecords>.

## How To Use This Report

This report is organized in numerical order as the exceptions appear in the Tennessee Code Annotated. Additionally, indices organized by subject matter and governmental entity are included to assist in your review.

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<sup>1</sup> Nineteen exceptions became effective in 2017, and two will become effective later, one in 2018 and one in 2019.

<sup>2</sup> Tenn. Code Ann. § 49-7-165, related to investment records of public higher education institutions, is scheduled to expire on July 1, 2021, and Tenn. Code Ann. § 10-7-504(u), related to law enforcement body camera video, is scheduled to expire on July 1, 2022.

# Statutory Exceptions to the Tennessee Public Records Act



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
2-2-112(c)	Voter registration, Identifying information	Tennessee Secretary of State, Division of Elections; Tennessee Department of Safety and Homeland Security	Any unique identifier [used by the online voter registration system for each applicant], including driver license and social security numbers, shall be confidential and not subject to the open records law, compiled in title 10, chapter 7.	
2-2-127	Voter registration, Identifying information	Tennessee Coordinator of Elections, County Election Commissions	(a) [A] registrar shall make a reasonable effort to redact a person's social security number from a record before such record is made available to any person other than the holder of the number if such record is stored in a computer readable format on April 12, 1999. When such records are first stored in computer readable format or when changes are made to any computer program that stores or accesses records, a registrar shall redact a person's social security number from a record before such record is made available to any person other than the holder of the number. The coordinator of elections shall also redact the social security number before making any voter registration records available to the public.	(b) Nothing in subsection (a) shall be construed to prohibit an agency of a state, county, or municipal office from using a person's social security number for internal purposes or to prohibit a county election commission and its staff from using a person's social security number for enforcement of the election law as provided in this title, and nothing in subsection (a) shall be construed to limit the public's access to that record.
2-2-138	Voter lists	County Election Commissions	(b)(1) Such [voter] list, and any other voter registration information such as voter history, if compiled, shall be available for purchase for a price not to exceed the cost of production. This list shall be available to any person who certifies on a form provided by the state election commission that such list will be used for political purposes.  (2) The list, and any other voter registration information, shall be the property of the county election commission and the state.  (d)(1) Any computerized county, as defined in § 2-1-104(a), shall make the list required by this section available on computer diskette to any person who certifies on a form provided by the state election commission that such list will be used for political purposes.	(c) The county election commission in counties with a population over two hundred fifty thousand (250,000) according to the 1980 census shall make voter registration lists available for purchase by any interested citizen, upon request and payment of the cost, at a price not in excess of the cost to prepare and publish such lists. The county election commission in counties with a population over two hundred fifty thousand (250,000) according to the 1980 census shall act upon such request within seven (7) days of receipt of the request, and reasons for rejection or modification of such request, if any, shall be set out in writing.
2-2-138(e)	Voter lists	Tennessee Secretary of State, Division of Elections	This list [of registered voters compiled by the coordinator of elections] shall be available for purchase to any person who certifies on a form provided by the state election commission that such list will be used for political purposes only.	
2-2-141(e)	Voter registration	Tennessee Secretary of State, Coordinator of Elections, County Election Commissions	All documentation provided to show proof of citizenship as well as the department of safety database or relevant federal and state agency and county records shall be confidential and shall not be available for inspection by the public.	
2-6-202(c)(6)	Elections	County Election Commissions	Any information regarding absentee requests and applications shall be confidential and not subject to the open records law, compiled in title 10, chapter 7 until the end of the early voting period.	
2-6-502(b)	Voter registration, Identifying information	Tennessee Secretary of State, County Election Commissions	The social security number, date of birth, mailing address and electronic mailing address contained on such application [for an absentee ballot or temporary registration or both from any person authorized to vote absentee by mail under subsection (a)] shall be confidential and not subject to the open records law compiled in title 10, chapter 7.	
2-10-211(d)	Campaign finance	Tennessee Secretary of State, Tennessee Registry of Election Finance	All information entered by any candidate or campaign committee into the registry of election finance electronic filing system shall remain confidential until the information is filed with the registry of election finance.	
2-10-212	Audit working papers, Investigations	Tennessee Secretary of State, Tennessee Registry of Election Finance	(e) The detailed information received pursuant to this section for an audit and field investigations of reports and statements filed with the registry shall be considered working papers of the registry of election finance and is, therefore, confidential and not an open record pursuant to title 10, chapter 7.	(f) After the completion and approval of an audit by the registry, the registry shall post any finding that could result in an assessment of significant penalties on the registry's web site, except that audits of candidates defeated in the primary election shall not be made public until after the general election.
2-11-202(a)(5)(C)	Investigations, Elections	Tennessee Secretary of State, Tennessee Coordinator of Elections	(i) Any report of an investigation conducted by the coordinator's office pursuant to the request of the attorney general and reporter and/or a district attorney general and filed with the attorney general and reporter and/or a district attorney general or a grand jury shall be privileged and confidential and shall not be deemed to be a public record.	(ii) The report of an investigation into the seating of a member of the general assembly shall be deemed to be a public record.  (iii) If a report of an investigation appears in the news media, in whole or in part, such report shall be deemed a public record and immediately released. All conclusions of law contained in such report shall be approved by the attorney general and reporter before the report is released.
3-2-111(b)(2)	Legislative records, Health insurance	Fiscal Review Committee	Notwithstanding title 10, chapter 7, part 1, such [health insurance data provided to the fiscal review committee from health insurance issuers and from advocates of mandated benefits] will be held as confidential by the fiscal review committee.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
3-6-308(c)	Audits	Tennessee Ethics Commission	Notwithstanding any law to the contrary, random audit information and investigatory audit information of lobbyist shall be confidential and shall be maintained as such by the members and employees of the ethics commission and by the officers and employees of the state, in the manner and to the extent that the confidentiality of tax information is maintained by the officers and employees of the department of revenue and the state under title 67, chapter 1, part 17.	
3-10-108(c)	Legislative records	Tennessee General Assembly	The provisions of § 10-7-503 shall not apply to records or information otherwise available in printed form or to information or records otherwise exempt from the provisions of § 10-7-503.	
3-12-105	Legislative records, Work papers	Tennessee General Assembly, Office of Legal Services	(a) All books, papers, records, and correspondence of the office of legal services pertaining to its work shall be kept in the office of legal services and all such materials are public records except:  (1) Intraoffice memoranda made by the director of the office of legal services or the director's staff; and  (2) Work papers and correspondence, including correspondence by electronic mail, with any person receiving service from the office of legal services.	(b) Such papers and correspondence may become public records whenever the director of the office of legal services or the general assembly shall so order.
3-12-106(b)	Legislative records, Privileged communications, Attorney-client	Tennessee General Assembly, Office of Legal Services	All materials arising out of this [attorney-client] relationship [between Office of legal services and each member of the General Assembly] including, but not limited to, proposed bills and amendments, analyses, opinions, and memoranda prepared by an attorney are not public records nor subject to title 10, chapter 7, part 5.	[Such materials may be accessible if so] provided by the rules of either house of the general assembly or when released by the member for whom the material was prepared.
3-14-109	Legislative records, Work papers	Tennessee General Assembly, Office of Program Evaluation	(a) All books, papers, records, and correspondence pertaining to the work of the Office of Program Evaluation are public records except:  (1) Intraoffice memoranda made by the director or the director's staff;  (2) Work papers and correspondence with any committee or member of the general assembly; and  (3) Any material supplied to the office by a state or local government agency or department which, under applicable law, would remain confidential in the hands of that agency or department.  (c) The office has the authority to withhold from the public record any information supplied to the office or to a committee of the general assembly or a member of the general assembly by an individual who requests such confidentiality.	(b) Such papers and correspondence may become public records whenever the speakers shall so order.
4-3-304(7)	Working papers, Audits, Investigations	State Departments, Boards, Commissions, Institutions, Agencies, Authorities, Other State Entities	Notwithstanding any law to the contrary, working papers created, obtained or compiled by an internal audit staff [of grantees or of state departments, boards, commissions, institutions, agencies, authorities or other entities of the state] are confidential and are therefore not an open record pursuant to title 10, chapter 7. "Working papers" includes, but is not limited to, auditee records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and all other records relating to an audit or investigation by internal audit staff.	
4-3-304(9)	Working papers, Audits, Investigations	Local Governments, Special Taxing Districts, Utility Districts, Political Subdivisions	Notwithstanding any law to the contrary, working papers created, obtained or compiled by an internal audit staff are confidential and are therefore not an open record pursuant to title 10, chapter 7. "Working papers" includes, but is not limited to, auditee records, intra-agency and interagency communications, draft reports, schedules, notes, memoranda and all other records relating to an audit or investigation by internal audit staff.	
4-3-308(b)	Confidential information	Tennessee Comptroller of the Treasury, Office of Research and Education Accountability (OREA)	The office of research and education accountability shall be accorded access to and may examine any information, records, books, data, or reports maintained by any agency of this state, whether or not the information is subject to public inspection. . . . The office of research and education accountability shall maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
4-3-514(b)(1)	Energy, Proprietary information	Tennessee Department of Environment and Conservation (TDEC), Office of Energy Programs	The Office [of Energy Programs] shall maintain the confidentiality of all proprietary information it may acquire.	
4-3-730	Trade secrets, Sensitive information, Marketing plans	Tennessee Department of Economic and Community Development (ECD)	<p>(c)(1) Notwithstanding any other law to the contrary, any record, documentary materials, or other information, including proprietary information, received, produced or maintained by the department shall be considered public unless the commissioner, with the affirmative agreement of the attorney general and reporter, determines that a document or information is of such a sensitive nature that its disclosure or release would seriously harm the ability of this state to compete or conclude agreements or contracts for economic or community development.</p> <p>(2) If the commissioner, with the agreement of the attorney general and reporter, determines pursuant to subdivision (c)(1) that a document or information should not be released or disclosed because of its sensitive nature, such document or information shall be considered confidential for a period of up to five (5) years from the date such a determination is made. After such period, the document or information made confidential by this subsection (c) shall become a public record and shall be open for inspection.</p> <p>(d) This section shall not apply to trade secrets received, maintained or produced by the department. All such trade secrets shall remain confidential</p> <p>(f)(1) This section shall not apply to company documents or records containing marketing information or capital plans that are provided to the department with the understanding that they are now and should remain confidential. Any such document or record shall remain confidential until such time as the provider thereof no longer requires its confidentiality</p>	<p>§ 4-28-104(f)</p> <p>(1) Any information received, created, or promulgated by the department of economic and community development or the department of revenue pursuant to this section [TNInvestco applications] on or after July 9, 2009, shall constitute a public record, as defined in § 10-7-503, and shall be open for personal inspection by any citizen of this state.</p> <p>(2) Any information received, created, or promulgated by the department of economic and community development or the department of revenue pursuant to this section shall not: (A) Constitute "tax information" or "tax administration information", as defined in § 67-1-1701, and shall not be subject to title 67, chapter 1, part 17; or (B) Be subject to § 4-3-730.</p>
4-3-1205(d)	Investigations, Subrecipient monitoring, Food assistance	Tennessee General Assembly, Tennessee Department of Human Services (DHS), Tennessee Comptroller of the Treasury	<p>The department's written reports submitted pursuant to subsections (b) [summarizing each announced/unannounced physical site visit conducted by DHS during the subrecipient monitoring process and advance notice of any announced /unannounced site visits planned for the following three-month period] and (c) [results of any substantiated investigation by department's office of inspector general concerning fraud, waste, and abuse regarding the child and adult care food program and summer food service program] shall be treated as confidential and shall not be open for public inspection.</p> <p>[Written reports are submitted to the speakers, the comptroller of the treasury, and the chairs of:</p> <ul style="list-style-type: none"> <li>• the government operations committee of the house of representatives and the chair of the government operations committee of the senate;</li> <li>• the health committee of the house of representatives and the chair of the health and welfare committee of the senate; and</li> <li>• the finance, ways and means committees of the house of representatives and the chair of the finance, ways and means committee of the senate.]</li> </ul>	
4-3-5509	Meetings, Executive sessions	Information Systems Council	(a) If the council holds a meeting covered by the open meeting provisions of title 8, chapter 44, at which subject matter will be discussed that is not confidential and subject matter will be discussed that is confidential pursuant to § 10-7-504(i), the notice of such meeting required pursuant to § 8-44-103 shall specify that part of the meeting will be a public meeting open to the public and part of the meeting will not be open to the public because of discussion of confidential subject matter.	
4-5-218	Agency rules, final orders and decisions	State Agencies	<p>Each [state] agency shall make available for inspection and copying after deletion of the portions that are confidential under any provision of law and payment of reasonable compensatory fees to the agency [the following:</p> <ul style="list-style-type: none"> <li>• Agency rules, final orders and decisions,</li> <li>• Written statements of policy or interpretations adopted and used in the discharge of its functions;</li> <li>• AG opinions rendered to the agency; and</li> <li>• Description of current organization describing course and method of operation and methods for public to obtain information or make submissions/requests.]</li> </ul>	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
4-6-140(c)	Identifying information	Tennessee Department of Correction	The commissioner has the authority to delete from any [inmate records and the information contained therein] the name of, or any identifying information concerning, any department employee, law enforcement officer or informant or other inmate if, in the commissioner's opinion, public disclosure of such name or information would place the safety of such employee, law enforcement officer, informant or inmate in jeopardy. If the commissioner determines that a name or identifying information cannot be deleted in a manner sufficient to protect any such person, the commissioner may refuse to disclose the document in which such name or identifying information appears.  Any information contained in an inmate record that is otherwise made confidential by § 10-7-504, shall remain confidential.	
4-12-113	CEO application materials, Employees, Meetings	Tennessee State Museum	(a) [A]n application for a position of museum director, materials submitted with an application, letters of recommendation or references concerning an applicant, and any other records or information relating to or arising out of the process of searching for and selecting an individual for the position of museum director shall be treated as confidential and shall not be open for public inspection, if the records could be used to identify a candidate for the position.  (d) Meetings or portions of meetings devoted to discussing information deemed confidential pursuant to this section are exempt from title 8, chapter 44, part 1.	(b) After a search committee has selected candidates as finalists for the position of museum director, the committee shall publicly announce the finalists. . . . Records relating exclusively to the candidates selected as finalists are not confidential and shall be open for public inspection, except for a record otherwise confidential under state or federal law.  (c) This section shall not apply to information relating to a candidate who did not expressly request that the candidate's information be kept confidential.
4-14-308	Trade secrets, Meetings, Executive sessions	Tennessee Technology Development Corporation (LaunchTN)	Any documentary materials or data made or received by any member or employee of the corporation to the extent that such material or data consists of trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for, or recipient of, any form of assistance that the corporation is empowered to render, or regarding the competitive position of such applicant in a particular field of endeavor, shall not be deemed public records and shall not be subject to title 10, chapter 7 . . . . Any discussion or consideration of such trade secrets or commercial or financial information may be held by the board, or any subcommittee of the board, in executive sessions closed to the public. All applications (except the identity of the applicants) and supporting documentary materials or data, including personal financial records, trade secrets, commercial or financial information and proprietary information of applicants, and all executive sessions or portions thereof conducted by the board, or any subcommittee of the board, for the purpose of reviewing applications for assistance shall be confidential and exempt from title 8, chapter 44.	[I]f the corporation purchases a qualified security from such applicant, the commercial and financial information, excluding trade secrets, shall be deemed to be a public record of the corporation and subject to title 10, chapter 7, after the expiration of three (3) years from the date of purchase of such qualified security, or, in the case of such information being made or received by any member or employee of the corporation after the purchase of such qualified security, three (3) years from the date such information was made or received.
4-21-303(d)	HRC efforts to eliminate discriminatory practices	Tennessee Human Rights Commission	Except for the terms of the conciliation agreement, neither the commission nor any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate discriminatory practice by conference, conciliation or persuasion, whether or not there is a determination of reasonable cause or a conciliation agreement. The conciliation agreement itself shall be made public unless the complainant and the respondent otherwise agree, and the commission also determines that disclosure is not required to further the purposes of this chapter.	
4-28-108(e)	Proprietary information, TNInvestco	Tennessee Department of Economic and Community Development (ECD)	Information [adequate documentary support for all proceeds and distributions related to liquidity events] provided [by a qualified TNInvestco] to the department pursuant to this section shall be kept confidential due to the proprietary nature of such information.	
4-28-109(a)(1)(B)	Proprietary information, TNInvestco	Tennessee Department of Finance and Administration	The department shall obtain all necessary information from each TNInvestco to support the state's profit share percentage. Information provided to the department pursuant to this section shall be kept confidential due to the proprietary nature of such information.	
4-28-110	Proprietary information, TNInvestco	Tennessee Department of Economic and Community Development (ECD)	(a)(4) Information provided to the department [by each qualified TNInvestco] pursuant to this section shall be kept confidential due to the proprietary nature of such information. [Includes the following information: • initial report after receipt of designated capital; • annual report due on or before 1/31; • other information requested to help the department ascertain the impact of the TNInvestco program both directly and indirectly on the economy of this state; and annual audited financial statements]	(e) To promote openness and transparency, a copy of each annual report received by the department of economic and community development pursuant to this section shall be posted on the Tennessee TNInvestco web site that is maintained by the department of economic and community development.



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4-28-111(a)	Proprietary information, TNInvestco	Tennessee Department of Economic and Community Development (ECD)	Information provided to the department pursuant to this section shall be kept confidential due to the proprietary nature of such information.  [Information Scorecard data as provided in § 4-28-113; and qualified TNInvestco's original application]	
4-35-107(a)	Reports of suspected illegal, improper, wasteful, or fraudulent activity	Tennessee Comptroller of the Treasury, State Audit Committees	The detailed information received and generated pursuant to a report of suspected illegal, improper, wasteful, or fraudulent activity shall be considered audit working papers and is therefore not an open record pursuant to title 10, chapter 7.	
4-35-108	Meetings, Executive sessions	State Audit Committees	(b) [A state] audit committee may hold confidential, nonpublic executive sessions to discuss:  (1) Items deemed not subject to public inspection under §§ 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under this code;  (2) Litigation;  (3) Audits or investigations;  (4) Information protected by federal law; and  (5) Matters involving information under § 4-35-107(a), where the informant has requested anonymity.  (d) For purposes of providing notice of a confidential, nonpublic executive session, the agenda must disclose the general nature of discussion as described under subdivisions (b) (1)-(5).	
4-51-103(c)(2)	Criminal history background check	Tennessee Education Lottery Corporation (TELC), Governor	The results of such a [criminal history] records check [by the TBI on potential directors of TELC] shall not be considered a record open to the public pursuant to title 10, chapter 7, part 5.	
4-51-109(d)(2)	Criminal history background check	Tennessee Education Lottery Corporation (TELC)	The results of such a records check [by the TBI on potential chief executive officers] shall not be considered a record open to the public pursuant to title 10, chapter 7, part 5.	
4-51-110	Criminal history background check, Employees	Tennessee Education Lottery Corporation (TELC)	(e) The results of such a [criminal history] records check [by TBI on potential employees of TELC] shall not be considered a record open to the public, pursuant to title 10, chapter 7, part 5.  (f) The results of such investigation [by the TBI of a criminal history records check on persons accepting an offer of employment by TELC] shall not be considered a record open to the public, pursuant to title 10, chapter 7, part 5.	
4-51-124(a)	Employees, Medical information, Identifying information	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of the corporation shall be treated as confidential and shall be exempt from § 10-7-503:  (5)(A) The following records or information of an employee of [TELC and of the employee's immediate family members or household members] in the possession of [TELC] in its capacity as an employer shall be treated as confidential and shall not be open for inspection by members of the public: unpublished telephone numbers; bank account information; social security number; 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.  (8) Medical records or medical information of an employee [or of family members of an employee] in the possession of [TELC] shall be treated as confidential and shall not be open for inspection by members of the public.	(5)(B) Nothing in subdivision (a)(5) shall be used to limit or deny access to otherwise public information when file, a document, or data file can be redacted;  (C) Nothing in subdivision (a)(5) shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions;  (D) Nothing in subdivision (a)(5) shall be construed to close any personnel records of an employee of the corporation that are currently open under state law;  (E) Nothing in subdivision (a)(5) shall be construed to limit access to information made confidential when the employee expressly authorizes the release of such information.
4-51-124(a)	Security	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of [TELC] shall be treated as confidential and shall be exempt from § 10-7-503:  (2) Security measures, systems, or procedures;  (3) Security reports.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
4-51-124(a)	Lottery games	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of [TELC] shall be treated as confidential and shall be exempt from § 10-7-503:  (10) All information relative to prospective lottery games and security and other sensitive information relative to current lottery games; and  (11) Any information concerning lottery sales made by lottery retailers unless otherwise provided by law.	
4-51-124(a)(1)	Trade secrets	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of [TELC] shall be treated as confidential and shall be exempt from § 10-7-503: (1) Trade secrets, as such term is defined in § 47-25-1702.	
4-51-124(a)(4)	Procurement, Contracts	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of [TELC] shall be treated as confidential and shall be exempt from § 10-7-503: Proposals received pursuant to personal service, professional service, consultant service contract regulations, and related records, including evaluations and memoranda [prior to the completion of evaluation of such proposals by the corporation]. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to such bids [prior to the completion of evaluation of such bids by the corporation].	[S]uch information shall be available for public inspection after the completion of evaluation of such proposals [and such bids] by the corporation.
4-51-124(a)(4)	Internal audit	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of [TELC] shall be treated as confidential and shall be exempt from § 10-7-503:  (4) Internal audit reviews of [TELC] including any documentation and memoranda relating to such audits [prior to finalization of such audits by TELC].	
4-51-124(a)(6)	Investigations	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of [TELC] shall be treated as confidential and shall be exempt from § 10-7-503:  (6) Information obtained pursuant to investigations that is otherwise confidential.	
4-51-124(a)(7)	Lottery winners, Identifying information	Tennessee Education Lottery Corporation (TELC)	The following records or information in the possession of TELC shall be treated as confidential and shall be exempt from § 10-7-503: . . . Identifying information obtained from prize winners including, but not limited to, home and work addresses, telephone numbers, social security numbers, and any other information that could reasonably be used to locate the whereabouts of an individual.	(A) [TELC] shall disclose any relevant information to a claimant agency pursuant to part 2, [chapter 51, title 4] necessary to establish or enforce a claim against a debtor as defined in part 2;  (B) [TELC] may disclose a lottery prize winner's name, home state, hometown, and, if authorized by the prize winner, any other information for marketing, advertising, or promotional purposes; and  (C) [TELC] shall disclose any information not subject to subdivisions (a)(1)-(4) or (a)(6), that is otherwise necessary to assist any federal, state, or local entity in the performance of its statutory or regulatory duties.
4-51-124(a)(9)	Employees, CEO application materials	Tennessee Education Lottery Corporation (TELC)	All information [and records] relative to the hiring or retention of the chief executive officer or president [in the possession of TLEC shall be treated as confidential and shall be exempt from § 10-7-503].	
4-51-125(b)	Investigations	Tennessee Education Lottery Corporation (TELC)	Records, documents, and information in the possession of [TELC] received pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement with a federal department or agency, any law enforcement agency, the lottery regulation agency, or gaming enforcement agency of any jurisdiction [as authorized in subsection (a)] shall be considered investigative records of a law enforcement agency and are not subject to § 10-7-503 and shall not be released under any condition without the permission of the person or agency providing the record or information.	[Records may be released with the permission of the person or agency providing the record or information.]
4-51-126	Procurement	Tennessee Education Lottery Corporation (TELC)	(f) Procurement documents, contracts, and any other documentation, or portions thereof, filed with the lottery procurement panel by the corporation [made confidential pursuant] to § 4-51-124 . . . shall retain its confidentiality, if any, and shall only be used by the panel in the performance of its official duties.  (g)(1) [Information made confidential pursuant to § 4-51-124 shall not be included with procurement contracts posted on the Major Procurement Contracts section of the lottery website.]	

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Source	Subject Matter	Government Entity	Description	Exceptions To Exception
4-51-205(b)	Lottery winners	State Agencies	The information obtained by a claimant agency [state agency seeking to recover a debt from a prize winner] from the [Tennessee Lottery] corporation in accordance with this part shall retain its confidentiality and shall only be used by a claimant agency in the pursuit of its debt collection duties and practices.	
5-1-130	Trade secrets, Marketing information, Capital plans, Economic development	Counties	(a) [A]ny contract or agreement, together with all supporting records and documentation, that obligates public funds as part of a county's economic and community development program to assist new and existing businesses and industries in locating or expanding in the county is . . . [not] open for public inspection [until] the date such contract or agreement is made available to members of the governing body.  (b) All such trade secrets [received or maintained by a county] are confidential.  (c) Any such document or record [containing marketing information or capital plans that are provided to a county with the understanding that they are confidential] is confidential until such time as the provider thereof no longer requires its confidentiality.	(a) any contract or agreement, together with all supporting records and documentation, that obligates public funds as part of a county's economic and community development program to assist new and existing businesses and industries in locating or expanding in the county is a public record subject to title 10, chapter 7, part 5, and open for public inspection as of the date such contract or agreement is made available to members of the governing body. A governing body shall publicly disclose the proposed contract or agreement in a manner that would adequately notify and fairly inform the public of the proposed contract or agreement before voting on the proposal.
5-14-108(i)	Purchasing, Procurement, Bids	Counties	All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record, and each record with the names of the bidders, the amounts of their bids, and the name of the successful bidder indicated thereon, shall, after the award or contract or order, be open to public inspection.	
6-54-142	Economic development	Municipalities	(a) Any contract or agreement, together with all supporting records and documentation, that obligates public funds as part of a municipality's economic and community development program to assist new and existing businesses and industries in locating or expanding in the municipality is [not] open for public inspection [until] the date such contract or agreement is made available to members of the governing body.  (b) All such trade secrets [received or maintained by a municipality] are confidential.  (c) Any such document or record [containing marketing information or capital plans that are provided to a municipality with the understanding that they are confidential] is confidential until such time as the provider thereof no longer requires its confidentiality.	(a) [A]ny contract or agreement, together with all supporting records and documentation, that obligates public funds as part of a municipality's economic and community development program to assist new and existing businesses and industries in locating or expanding in the municipality is a public record subject to title 10, chapter 7, part 5, and open for public inspection as of the date such contract or agreement is made available to members of the governing body. A governing body shall publicly disclose the proposed contract or agreement in a manner that would adequately notify and fairly inform the public of the proposed contract or agreement before voting on the proposal.
6-54-204	Economic development	Cities	Records held by a city whose primary industry is tourism that address a specific amount of money expended in a given market for digital or traditional media or that address the specific detail of targeted audiences identified for marketing purposes may be treated as confidential and not subject to the open records law, compiled in title 10, chapter 7.	Nothing in this section shall prevent public disclosure of aggregate expenditure amounts for marketing activities at any time.
7-54-107(2)(C)	Trade secrets, Energy production facilities, Procurement	Municipalities	Trade secrets and confidential information contained in proposals submitted for contracts for the construction, operation or maintenance of an energy production facility and all contracts authorized by § 7-54-105(a)(3) shall not be open for public inspection.  If provided in the request for proposals, the contents of responding proposals shall not be disclosed to competing offerors and shall be kept secret during the process of negotiation.	
7-59-305(d)(2)	Cable or video service provider non-discrimination plans	Tennessee Public Utility Commission	Plans to comply with the requirements of § 7-59-311 that are submitted by applicants for state-issued certificates of franchise authority to provide cable or video service are confidential and are not subject to the open records laws, compiled in title 10, chapter 7.	
7-59-306(c)	Cable or video service provider	Counties, Municipalities	(1) The payment [of the franchise fee imposed pursuant to this section] shall be considered complete if accompanied by a statement showing, for the quarter covered by the payment [certain information].  (2) Any supporting statements submitted pursuant to subdivision (c)(1) [to the municipality or county with the quarterly payment of franchise fee related to cable or video service] shall be confidential and not subject to the open records law, compiled in title 10, chapter 7.	
7-59-306(d)(1)	Cable or video service provider	Counties, Municipalities	Any records obtained by or disclosed to a municipality or county by a holder of a state-issued certificate of franchise authority or any other cable or video service provider for the purpose of an audit or review, shall be confidential and not subject to the open records laws, compiled in title 10, chapter 7.	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
7-59-306(g)	Working papers, Cable or video service provider	Tennessee Comptroller of the Treasury	Any information obtained by or disclosed to the comptroller [during an audit of the business records of the holder of a state-issued certificate of franchise authority for cable or video service] shall be considered working papers of the comptroller and, therefore, are confidential and are not subject to the open records laws compiled in title 10, chapter 7.	
7-59-311(d)(4)	Cable or video service provider non-discrimination, Proprietary information	Tennessee Attorney General and Reporter, Connected Tennessee	Any information submitted to, or obtained by the verifier or attorney general and reporter pursuant to this subsection (d) [as to the expansion of access to broadband Internet service] shall be considered proprietary information and therefore is confidential and not subject to the open records laws, compiled in title 10, chapter 7.	
7-86-317	Proprietary information	Tennessee Department of Commerce and Insurance, Emergency Communications Board	Notwithstanding any other law to the contrary, the board shall promulgate rules and regulations to safeguard proprietary information submitted to the board. Such rules and regulations shall be consistent with determinations, actions, customs, and practices of the Tennessee regulatory agency with respect to proprietary information. Any information determined to be proprietary in accordance with such rules and regulations [Tenn. Comp R & Regs. 0780-06-01] shall be confidential and shall not be open to the public for inspection, notwithstanding the public records provisions of title 10, chapter 7.	
8-3-104(10)	Executive records	Tennessee Secretary of State	It is the duty of the secretary of state to: give to any person requiring the same, and paying lawful fees, an attested copy of any act, record, or paper in the secretary of state's office, except papers relating immediately to the executive department, and, in the governor's judgment, requiring secrecy.	
8-4-116(c)	Work papers, Financial documents	Tennessee Comptroller of the Treasury	Any income statements or other financial documents filed with an objection by a contracting entity to a proposed audit by the comptroller shall become a part of the comptroller's confidential work papers and shall not be open or otherwise subject to public inspection.	
8-4-407	Fraud, waste and abuse hotline; Working papers	Tennessee Comptroller of the Treasury	The detailed information received and generated pursuant to part 4, chapter 4, title 8 shall be considered confidential working papers of the comptroller of the treasury and is therefore not an open record pursuant to title 10, chapter 7.	
8-6-112(d)	Investigations, Judiciary	Tennessee Attorney General and Reporter, District Attorneys General, Courts	The notice by the attorney general and reporter to the executive director of the district attorneys general conference, the application for appointment as district attorney general pro tem by an appropriate court pursuant to § 8-7-106(a), and the proceedings on the application for criminal prosecution of a judge shall be confidential. The application shall be considered by the court in camera.	
8-6-407	Attorney General	Tennessee Attorney General and Reporter	All testimony, books, documents, or other writings, records or tangible objects obtained by the attorney general and reporter pursuant to §§ 8-6-401 and 8-6-402 shall be confidential and shall not be publicly divulged by the office of the attorney general and reporter except in the discharge of the duties of the office or in legal proceedings in which the state is a party.	
8-11-112	Bank account information, Identifying information	County Trustees	(a) An individual's credit card information, debit card information, bank account and routing information, e-mail address, and telephone number acquired by the county trustee shall not be open for public inspection pursuant to title 10, chapter 7.	(b) The information made confidential by this section shall be open to inspection by law enforcement agencies, courts, or other government agencies performing official functions.  (c) Information made confidential by this section shall be redacted wherever possible.  (d) Nothing in this section shall limit or deny access to otherwise public information because a file, document, or data file contains confidential information.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
8-25-109	Medical records	State, Counties, Municipalities	(a) Any medical records submitted to, or compiled by, any person or entity providing deferred compensation plan services pursuant to part 1, chapter 25, title 8 are confidential and shall not be disclosed.	<p>(a) [Disclosure is permitted:]</p> <p>(1) To the extent that the employee or the employee's legal representative consents to disclosure;</p> <p>(2) To the extent of performing duties hereunder, to employees of persons or entities providing the plan services;</p> <p>(3) In compliance with a subpoena or a court order;</p> <p>(4) To other governmental agencies; provided, that such agencies maintain the same level of confidentiality as that required by the section;</p> <p>(5) To the comptroller of the treasury or the comptroller's designees for the purpose of audit; or</p> <p>(6) In any administrative proceeding or court action between the employee /legal representative and a person or entity providing plan services.</p> <p>(b) Nothing contained herein applies to statistical medical information if such information is not identified with a particular employee. Further, nothing contained herein applies to records concerning the identity of employees receiving or applying for benefits, to the amount of benefits to which a particular employee is or may be entitled to receive, nor to any other nonmedical related information unless such information is made confidential by other statute of this state.</p>
8-25-307	Medical records	State, Counties, Municipalities	Any medical records submitted to, or compiled by, any person or entity providing profit sharing and/or salary reduction plan services pursuant to this part are confidential and shall not be disclosed except as provided under § 8-25-109.	<p>§ 8-25-109(a) permits disclosure:</p> <p>(1) To the extent that the employee or the employee's legal representative consents to disclosure;</p> <p>(2) To the extent of performing duties hereunder, to employees of persons or entities providing the plan services;</p> <p>(3) In compliance with a subpoena or a court order;</p> <p>(4) To other governmental agencies; provided, that such agencies maintain the same level of confidentiality as that required hereunder;</p> <p>(5) To the comptroller of the treasury or the comptroller's designees for the purpose of audit; or</p> <p>(6) In any administrative proceeding or court action between the employee or the employee's legal representative and a person or entity providing plan services hereunder.</p> <p>(b) Nothing contained herein [§ 8-25-109] applies to statistical medical information if such information is not identified with a particular employee. Further, nothing contained herein applies to records concerning the identity of employees receiving or applying for benefits, to the amount of benefits to which a particular employee is or may be entitled to receive, nor to any other nonmedical related information unless such information is made confidential by other statute of this state.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
8-25-402	Medical records	State	Any information concerning an employee's medical diagnosis, treatment or referral for treatment maintained by any person or entity providing cafeteria plan services hereunder is confidential and shall not be disclosed except as provided under § 8-25-109.	<p>§ 8-25-109(a) permits disclosure:</p> <p>(1) To the extent that the employee or the employee's legal representative consents to disclosure;</p> <p>(2) To the extent of performing duties hereunder, to employees of persons or entities providing the plan services;</p> <p>(3) In compliance with a subpoena or a court order;</p> <p>(4) To other governmental agencies; provided, that such agencies maintain the same level of confidentiality as that required hereunder;</p> <p>(5) To the comptroller of the treasury or the comptroller's designees for the purpose of audit; or</p> <p>(6) In any administrative proceeding or court action between the employee or the employee's legal representative and a person or entity providing plan services hereunder.</p> <p>(b) Nothing contained herein [§ 8-25-109] applies to statistical medical information if such information is not identified with a particular employee. Further, nothing contained herein applies to records concerning the identity of employees receiving or applying for benefits, to the amount of benefits to which a particular employee is or may be entitled to receive, nor to any other nonmedical related information unless such information is made confidential by other statute of this state.</p>
8-30-301(d)	Employment records, Assessments, Tests	Tennessee Department of Human Resources (DOHR)	All assessments administered by the department, the total bank of questions from which such assessments were developed and the answers thereto shall be confidential and shall not be public records or state records open for public inspection in accordance with § 10-7-503.	
8-30-313(d)	State employees, Job performance evaluations	State	The performance evaluations of state service employees shall not be considered public records under § 10-7-503. Nothing in this subsection (d) shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.	
8-36-510	Medical records	Tennessee Department of Treasury, Tennessee Consolidated Retirement System (TCRS)	(a) Any medical records submitted to, or compiled by, the retirement system pursuant to this part are confidential and shall not be disclosed	<p>(a) except as follows:</p> <p>(1) To the extent that the member or the member's legal representative consents to disclosure;</p> <p>(2) To employees of the retirement system for the purpose of determining a member's qualification for disability retirement;</p> <p>(3) To the medical advisors;</p> <p>(4) In compliance with a subpoena or a court order;</p> <p>(5) To other state or federal agencies; provided, that such agencies maintain the same level of confidentiality as that required hereunder;</p> <p>(6) To the comptroller of the treasury or the comptroller's designees for the purpose of an audit of the retirement system; or</p> <p>(7) In any administrative proceeding or court action between the member or the member's legal representative and the retirement system.</p> <p>(b) Nothing contained in this section applies to statistical medical information if such information is not identified with a particular member. Further, nothing contained in this section applies to records concerning the identity of members receiving or applying for disability retirement benefits, to the amount of benefits to which a particular member is or may be entitled to receive, nor to any other nonmedical related information unless such information is made confidential by other statute of this state.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
8-37-104(a)(10)(B)	Investment records	Tennessee Department of Treasury, Tennessee Consolidated Retirement System (TCRS)	Records relating to the retirement system's review of any private equity investment shall not be public to the extent that:  (i) The records contain confidential information provided to the retirement system or analysis or evaluation by the retirement system; or  (ii) Disclosure of the records would have a potentially adverse effect on the retirement system's private equity program, the value of an investment, or the provider of the information.	
8-50-112	Criminal history background check	State	(d) [A] criminal history [background check] obtained by an employer shall be confidential and not subject to the open records law, compiled in title 10, chapter 7.  (f)(2) "Employer":  (A) Means the state and any agency, authority, branch, bureau, commission, corporation, department, or instrumentality of the state; and  (B) Does not include a contractor, subcontractor, a political subdivision of the state, the department of education, the state board of education, or the Tennessee bureau of investigation.	(d) Except as otherwise required or expressly permitted by state or federal law.
9-3-405	Meetings, Executive sessions	Local Government Audit Committees	(d) [Local government] audit committee may hold confidential, nonpublic executive sessions to discuss the following items:  (1) Items deemed not subject to public inspection under §§ 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under this code;  (2) Current or pending litigation and pending legal controversies;  (3) Pending or ongoing audits or audit related investigations;  (4) Information protected by federal law; and  (5) Matters involving information under § 9-3-406 where the informant [reporting alleged wrongdoing] has requested anonymity.  (f) For purposes of providing notice of a confidential, nonpublic executive session, the agenda must disclose the general nature of the item or items to be discussed as described under subdivisions (d)(1)-(5).	
9-3-406(a)	Reports of suspected illegal, improper, wasteful, or fraudulent activity; Audit working papers	Local Government Audit Committees	The detailed information received and generated pursuant to a report of suspected illegal, improper, wasteful, or fraudulent activity, shall be considered audit working papers and is therefore not an open record pursuant to title 10, chapter 7.	
9-4-518	Qualified public depository reports, Meetings	Tennessee Comptroller of the Treasury; Tennessee Department of Treasury, Tennessee State Treasurer, Tennessee Collateral Pool Board	(d) Any information contained in a report by a qualified public depository required under this part or any rule adopted under this part, which is confidential by any law of the United States or of this state, shall be considered confidential and not subject to dissemination to anyone other than the state treasurer and the [Collateral Pool] board under this part, and the comptroller of the treasury, or the comptroller of the treasury's designated representatives, for purposes of audit.  (e) Section 10-7-503 shall not apply to information deemed confidential as provided in subsection (d). All meetings of the board wherein such information is discussed shall be exempt from title 8, chapter 44.	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
9-8-307(a)(3)	Risk management	Tennessee Claims Commission	The portion of the records in possession of the division of claims and risk management containing the amount of funds reserved for each claim for the risk management fund is confidential and not subject to § 10-7-503, until the final adjudication of the claim. The availability of state records and documents concerning all [monetary] claims [against the state based on the acts or omissions of "state employees"] is subject to the same discovery defenses as are available to other parties.	
9-8-311	Medical records	Tennessee Department of Treasury	Medical records received and maintained by the Tennessee Claims Commission are confidential and not open to public inspection pursuant to Title 10, Chapter 7.	
9-8-408	Medical records	Tennessee Department of Treasury	Medical records received and maintained by the division of claims and risk management shall be treated as confidential and shall not be open for inspection by members of the public pursuant to title 10, chapter 7.	
9-19-109	Identifying information, Public obligations	All	The identity of any owner of, or any other information by or from which may be determined the identity of any owner of, any public obligation issued by any issuer shall be treated as confidential and not open to public inspection. The confidentiality herein established shall not be deemed to have been extinguished but shall remain inviolate in cases where such information is in the possession of banks, trust companies, financial institutions or other financial intermediaries of the issuer, including, but not limited to, registration, paying or transfer agents.	
10-7-503(b)	Adoption records	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.	
10-7-503(b)	Federal funding and program participation	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 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.	
10-7-503(d)	All records	Association or Nonprofit Corporation	[The records of any association or nonprofit organization described in § 8-44-102(b)(1)(E)(i) are not open for inspection under subsection (a) as required in (d) as long as it complies with any of the following requirements: <ul style="list-style-type: none"> <li>• causes an annual audit to be made in compliance with (d)(1);</li> <li>• employs no more than two full-time staff members [(d)(2)]; or</li> <li>• was exempt under 501(c)(3) of IRC as of 1/1/1998 and makes available to the public its federal return of organization exempt from income tax (Form 990).]</li> </ul>	
10-7-503(e)	Contingency plans	Law Enforcement Agencies	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 shall not be open for inspection as provided in subsection (a).	
10-7-504(a)(1)	Patient records	State, County, or Municipal Hospitals and Medical Facilities	The medical records of patients in state, county and municipal hospitals and medical facilities, . . . shall be treated as confidential and shall not be open for inspection by members of the public.	
10-7-504(a)(1)	Donation or transplantation of body parts	All	Any records containing the source of body parts for transplantation or any information concerning persons donating body parts for transplantation shall be treated as confidential and not open for inspection by members of the public.	
10-7-504(a)(1)	Medical records	State, Counties, Municipalities	The medical records . . . of persons receiving medical treatment, in whole or in part, at the expense of the state, county or municipality, shall be treated as confidential and shall not be open for inspection by members of the public.	
10-7-504(a)(2)(A)	Criminal investigative files	Tennessee Department of Safety and Homeland Security, Motor Vehicle Enforcement Division	[A]ll criminal investigative files of the motor vehicle enforcement division of the department of safety relating to stolen vehicles or parts . . . shall be treated as confidential and not open to inspection by members of the public.	The information shall be disclosed to the public only in compliance with a subpoena or an order of a court of record.  Records shall not be available to any member of the executive branch except to the governor and to those directly involved in the investigation in the specified agencies.



Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(2)	Criminal investigative records	Tennessee Department of Agriculture, Tennessee Department of Environment and Conservation (TDEC), Tennessee Alcoholic Beverage Commission	(A) All investigative records . . . of the department of agriculture and the department of environment and conservation, . . . all criminal investigative files and records of the Tennessee alcoholic beverage commission . . . shall be treated as confidential and shall not be open to inspection by members of the public.	(A) The information shall be disclosed to the public only in compliance with a subpoena or an order of a court of record. Records shall not be available to any member of the executive branch except to the governor and to those directly involved in the investigation in the specified agencies.  (B) The records of the departments of agriculture and environment and conservation and the Tennessee alcoholic beverage commission referenced in subdivision (a)(2)(A) shall cease to be confidential when the investigation is closed by the department or commission or when the court in which a criminal prosecution is brought has entered an order concluding all proceedings and the opportunity for direct appeal has been exhausted; provided, however, that any identifying information about a confidential informant or undercover law enforcement agent shall remain confidential.
10-7-504(a)(2)	Investigative records	Tennessee Bureau of Investigation (TBI)	(A) All investigative records of the TBI . . . shall be treated as confidential and shall not be open to inspection by members of the public. The information contained in such records shall be disclosed to the public only in compliance with a subpoena or an order of a court of record.	(A) [I]nvestigative records of the TBI shall be open to inspection by elected members of the general assembly if . . . directed by a duly adopted resolution of either house or of a standing or joint committee of either house. Records shall not be available to any member of the executive branch except to the governor and to those directly involved in the investigation in the specified agencies.  (C) [U]pon written request by an authorized person of a state governmental agency [for the limited purpose of determining whether a license or permit should be issued to any person, corporation, partnership or other entity to engage in an authorized activity affecting the rights, property or interests of the public or segments thereof, the TBI] is authorized to furnish and disclose to the requesting agency the criminal history, records and data from its files, and the files of the federal government and other states to which [TBI] may have access.  § 38-8-311: [TBI investigation of LEO-involved shooting death is open after completion of prosecutorial function by DAG; DAG may disclose prior to completion.]
10-7-504(a)(2)(A)	Handgun permits, Driver licenses, Law enforcement	Tennessee Department of Safety and Homeland Security	[A]ll files of the handgun carry permit and driver license issuance divisions of the department of safety relating to bogus handgun carry permits and bogus driver licenses issued to undercover law enforcement agents shall be treated as confidential and shall not be open to inspection by members of the public.	The information shall be disclosed to the public only in compliance with a subpoena or court order. The records shall not be available to members of the executive branch except the Governor and those directly within the agency involved in the investigation.
10-7-504(a)(2)(A)	Investigative records	TennCare Bureau, Office of Inspector General	All investigative records of . . . the office of inspector general . . . shall be treated as confidential and not be open to inspection by members of the public.	The information contained in such records shall be disclosed to the public only in compliance with a subpoena or a court order. Records shall not be available to any member of the executive branch except to the governor and to those directly involved in the investigation in the specified agencies.
10-7-504(a)(3)	National and state security, Investigations, Employees	Tennessee Department of Military	The records, documents, and papers in the possession of the military department which involve security of the US and/or the state of Tennessee, including but not restricted to, national guard personnel records, staff studies and investigations, shall be treated as confidential and shall not be open for inspection by members of the public.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(4)	Student records	Public Educational Institutions	(A) The records of students in public educational institutions shall be treated as confidential.	<p>(A) Information in such records relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing shall not be made available to unauthorized personnel of the institution or to the public or any agency, except those agencies authorized by the educational institution to conduct specific research or otherwise authorized by the governing board of the institution, without the consent of the student involved or the parent or guardian of a minor student attending any institution of elementary or secondary education, except as otherwise provided by law or regulation pursuant thereto, and except in consequence of due legal process or in cases when the safety of persons or property is involved.</p> <p>The governing board of the institution, the department of education, and the Tennessee higher education commission shall have access on a confidential basis to such records as are required to fulfill their lawful functions. Statistical information not identified with a particular student may be released to any person, agency, or the public; and information relating only to an individual student's name, age, address, dates of attendance, grade levels completed, class placement and academic degrees awarded may likewise be disclosed.</p> <p>(E) [I]nformation provided under former § 40-39-106 regarding registered sex offenders required to register under former § 40-39-103 shall be disclosed unless otherwise prohibited by FERPA.</p> <p>§ 49-7-1103: Institutions of higher education shall inform parents and students of students' option to execute consent forms authorizing the institution of higher education to release certain otherwise confidential education records, as defined by federal law, to a designated parent, upon request.</p>
10-7-504(a)(4)	Student disciplinary records	Higher Education Institutions	(A) The records of students in public educational institutions shall be treated as confidential.	<p>(F) [U]nless prohibited by FERPA, an institution of higher education shall disclose to a parent or legal guardian of a student information regarding any violation of federal, state or local law or institutional rule or policy of the institution, governing the use or possession of alcohol, a controlled substance, or a controlled substance analogue . . . if:</p> <p>(i) The student is under 21 years of age;</p> <p>(ii) The institution determines that the student committed a disciplinary violation with respect to such use or possession; and</p> <p>(iii) The final determination that the student committed such a disciplinary violation was reached on or after October 7, 1998.</p>
10-7-504(a)(4)	Student disciplinary records	Post-secondary Education Institutions	(A) The records of students in public educational institutions shall be treated as confidential.	<p>[(B) Notwithstanding the provisions of subdivision (a)(4)(A) to the contrary, unless otherwise provided by FERPA, final results of a disciplinary proceeding conducted by the post-secondary education institution against the alleged perpetrator shall be provided to the alleged victim of a crime of violence (18 USC Section 16) or of a nonforcible sexual offense with respect to the crime or offense.</p> <p>(C) &amp; (D) If the institution determines that the student violated the institution's policies or rules with respect to such crime or offense, the institution shall disclose the following in the final results of any disciplinary proceeding:</p> <ul style="list-style-type: none"> <li>• Name of student, violation committed, and any sanction imposed on student.</li> <li>• May include the name of any other student, such as a victim or witness, if such student gives written consent.</li> </ul> <p>This applies only to disciplinary hearings with final results reached on or after October 7, 1998.]</p>

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Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(5)	Books, records and other material	Tennessee Attorney General and Reporter	<p>(A) The following books, records and other material [BROM] in possession of the office of the attorney general and reporter which relate to any pending or contemplated legal or administrative proceeding in which the office of the attorney general and reporter may be involved shall not be open for public inspection:</p> <p>(i) BROM which are confidential or privileged by state law;</p> <p>(ii) BROM relating to investigations conducted by federal law enforcement which are confidential or privileged under federal law;</p> <p>(iii) [attorney work product];</p> <p>(iv) [attorney-client communications]; or</p> <p>(v) BROM in the possession of other departments and agencies which are available for public inspection and copying . . . in such other departments.</p>	<p>(B) BROM made confidential by this subsection (a) . . . shall be be open to inspection by the elected members of the General Assembly if such inspection is directed by a duly adopted resolution of either house or of a standing or joint committee of either house and is required for the conduct of legislative business.</p> <p>(C) Except for the provisions of subdivision (a)(5)(B), BROM made confidential or privileged by this subdivision (a)(5) shall be disclosed to the public only in the discharge of the duties of the office of the attorney general and reporter.</p>
10-7-504(a)(6)	Valuations of real and personal property	State Agencies	State agency records containing opinions of value of real and personal property intended to be a acquired by public purpose shall not be open for public inspection until the acquisition thereof has been finalized.	[A party to a condemnation action may make discovery relative to values pursuant to Rules of Civil Procedure.]
10-7-504(a)(7)	Procurement, Bids, Real estate leases and purchases	State	Sealed bids, real estate leases, and individual purchase records, including evaluations and memoranda, shall be available for public inspection only after the completion of evaluation by the state.	
10-7-504(a)(7)	Procurement	State	Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to same, shall be available for public inspection only after the completion of evaluation of same by the state.	
10-7-504(a)(8)	Investigations by internal affairs division	Tennessee Department of Correction	All investigative records and reports of the internal affairs division of the department of correction . . . shall be treated as confidential and shall not be open to inspection by members of the public.	An employee of the department . . . shall be allowed to inspect records or reports if they form the basis of an adverse action against the employee. An employee of the department of correction shall also be allowed to inspect such investigative records . . . , or relevant portion thereof, prior to a due process hearing at which disciplinary action is considered or issued unless [prior to the hearing] the commissioner of correction specifically denies in writing the employee's request to examine such records. The release of reports and records shall be in accordance with the Tennessee Rules of Civil Procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. The information contained in such records and reports shall be disclosed to the public only in compliance with a subpoena or an order of a court of record.
10-7-504(a)(8)	Investigations by internal affairs division	Tennessee Department of Children's Services (DCS)	All investigative records and reports of the internal affairs division . . . of the department of children's services shall be treated as confidential and shall not be open to inspection by members of the public.	An employee of the department . . . shall be allowed to inspect such investigative records and reports [that] form the basis of an adverse action against the employee. The release of reports and records shall be in accordance with the Tennessee Rules of Civil Procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. The information contained in such records and reports shall be disclosed to the public only in compliance with a subpoena or an order of a court of record.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(9)	Animal health certificates, Premise identification or animal tracking, Contingency plans	Tennessee Department of Agriculture, State Veterinarian	(A) Official health certificates, collected and maintained by the state veterinarian pursuant to rule chapter 0080-2-1 of the department of agriculture, shall be treated as confidential and shall not be open for inspection by members of the public.  (B) Any data and records provided to or collected by the department of agriculture pursuant to the implementation and operation of premise identification or animal tracking programs shall be considered confidential and shall not be open for inspection by members of the public. Likewise, all contingency plans prepared concerning the department's response to agriculture-related homeland security events shall be considered confidential and shall not be open for inspection by members of the public.  (C) Information received by the state that is required by federal law or regulation to be kept confidential shall be exempt from public disclosure and shall not be open for inspection by members of the public.	(B) The department may disclose data or contingency plans to aid the law enforcement process or to protect human or animal health.
10-7-504(a)(10)	Capital plans, Marketing information, Proprietary information, Trade secrets	Tennessee Venture Capital Network at Middle Tennessee State University	The capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee venture capital network at Middle Tennessee State University shall be treated as confidential and shall not be open for inspection by members of the public.	
10-7-504(a)(11)	Historic research value records	Public Archival Institutions, Public Libraries, Libraries of Public Higher Education Institutions	[W]hen the owner or donor . . . wishes to place restrictions on access to records [that are of historical research value and which are given or sold to public archival institutions, public libraries, or libraries of a unit of the Tennessee board of regents or the University of Tennessee, such records] shall be treated as confidential and shall not be open for inspection by members of the public.	This exemption shall not apply to records prepared or received in the course of the operation of state or local governments.
10-7-504(a)(12)	Motor vehicle records	All, Tennessee Department of Safety and Homeland Security	Personal information contained in motor vehicle records maintained by the Department of Safety shall be treated as confidential and shall only be open for inspection in accordance with title 55, chapter 25.	
10-7-504(a)(13)	Mental health intervention, Employees, Counseling and therapy	All	(A) All memoranda, work notes or products, case files and communications related to mental health intervention techniques conducted by mental health professionals in a group setting to provide job-related critical incident counseling and therapy to law enforcement officers, county and municipal correctional officers, dispatchers, emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and professional, are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless all parties waive such privilege. In order for such privilege to apply, the incident counseling and/or therapy shall be conducted by a qualified mental health professional as defined in § 33-1-101.	(A) All parties to counseling may waive privilege.  (D) Nothing in this section shall be construed as limiting a licensed professional's obligation to report suspected child abuse or limiting such professional's duty to warn about dangerous individuals as provided under §§ 33-3-206 -- 33-3-209, or other provisions relevant to the mental health professional's license.  (E) [In an action against a mental health professional, this exception does not limit discovery under Rules of Civil Procedure or admission of evidence under Rules of Evidence.]
10-7-504(a)(14)	Plans for riot, escape and emergency transport	Tennessee Department of Correction, County Sheriffs	All riot, escape and emergency transport plans which are incorporated in a policy and procedures manual of county jails and workhouses or prisons operated by department of correction or under private contract shall be treated as confidential and shall not be open for inspection by members of the public.	
10-7-504(a)(15)	Identifying information, Order of protection	Utility Service Providers	(B) If the procedure set out in this subdivision (a)(15) is followed, identifying information compiled and maintained by a utility service provider concerning a person who has obtained a valid protection document shall be treated as confidential and not open for inspection by the public.  (G) After July 1, 1999, . . . the records custodian of utility service provider shall check the separate file containing all protection documents . . . and shall redact or refuse to disclose to the requestor any identifying information about [any person who has presented a valid protection document].	(F) Identifying information concerning a person that is maintained as confidential pursuant to this subdivision (a)(15) shall remain confidential until the person who requested such confidentiality notifies in person the records custodian of the appropriate utility service provider that there is no longer a need for such information to remain confidential.  (H) Nothing in this subdivision (a)(15) shall prevent the district attorney general and counsel for the defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subdivision (a)(15).

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(16)	Identifying information, Order of protection	All	(B) If the procedure set out in this subdivision (a)(16) is followed, identifying information compiled and maintained by a governmental entity concerning a person who has obtained a valid protection document may be treated as confidential and may not be open for inspection by the public.  (G)(ii) [After July 1, 1999, if the governmental entity accepts receipt of protection documents and maintains identifying information as confidential], then] the records custodian shall check the separate file containing all protection documents presented . . . and shall redact or refuse to disclose to the any identifying information of a person who has presented the valid protection document.	(F) Identifying information concerning a person that is maintained as confidential pursuant to this subdivision (a)(16) shall remain confidential until the person who requested such confidentiality notifies in person the records custodian of the appropriate utility service provider that there is no longer a need for such information to remain confidential.  (H) Nothing in this subdivision (a)(16) shall prevent the district attorney general and counsel for the defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subdivision (a)(16).
10-7-504(a)(16)(l)	Order of protection	Courts, Court Clerks	In an order of protection case, any document required for filing in a case for an order of protection, other than the forms promulgated by the supreme court pursuant to § 36-3-604(b), shall be treated as confidential and kept under seal.	Except that the clerk may transmit any such document to the Tennessee bureau of investigation, 911 service or emergency response agency or other law enforcement agency.
10-7-504(a)(17)	Domestic violence shelters and rape crisis centers	All	The telephone number, address and any other information which could be used to locate a domestic violence shelter, family safety center or rape crisis center . . . upon the director of such entity giving written notice to the records custodian that the entity desires that such identifying information be maintained as confidential [may be treated as confidential by a governmental entity and shall be treated as confidential by a utility service provider as defined in subdivision (a)(15).] The records of family safety centers shall be treated as confidential in the same manner as the records of domestic violence shelters pursuant to § 36-3-623.	
10-7-504(a)(18)	Computer programs, Software	Tennessee State Boards, Agencies, Political Subdivisions, Higher Education Institutions	Computer programs, software, software manuals, and other types of information manufactured or marketed by persons or entities under legal right and sold, licensed, or donated to Tennessee state boards, agencies, political subdivisions, or higher education institutions shall not be open to public inspection.	[Such records] produced by state or higher education employees at state expense shall be available for inspection as part of an audit or legislative review process.
10-7-504(a)(19)	Credit card and personal identification numbers, Authorization codes	State and Political Subdivisions	Credit card account numbers and any related personal identification numbers (PIN) or authorization codes in the possession of the state or a political subdivision thereof shall be maintained as confidential and shall not be open for inspection by members of the public.	
10-7-504(a)(20)	Utilities, Identifying information	Counties, Metropolitan Governments, Incorporated Cities, Towns, Utility Districts	(B) The private records of any utility shall be treated as confidential and shall not be open for inspection by members of the public.  (A)(iii) "Private records" means a credit card number, social security number, tax identification number, financial institution account number, burglar alarm codes, security codes, access codes, and consumer-specific energy and water usage data except for aggregate monthly billing information.	(E) [Consumer may expressly authorize the release of the information.]  (D) Nothing in this subsection (a) shall be construed to limit access by law enforcement agencies, courts, or other governmental agencies performing official functions.  (C) Information made confidential by this subsection (a) shall be redacted wherever possible and nothing in this subsection (a) 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 section 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(a)(21)	Contingency plans	All	(A)(ii) All contingency plans of a governmental entity prepared to respond to or prevent 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 [shall be treated as confidential and shall not be open for public inspection].	(B) Documents concerning the cost of governmental utility property, the cost of protecting governmental utility property, the cost of identifying areas of structural or operational vulnerability of a governmental utility, the cost of developing contingency plans for a governmental entity, and the identity of vendors providing goods or services to a governmental entity in connection with the foregoing shall not be confidential. However, any documents relating to these subjects shall not be made available to the public unless information that is confidential under this subsection (a) or any other provision of this chapter has been redacted or deleted from the documents.  (D) Nothing in this subdivision (a)(21) shall be construed to limit access to these records by other governmental agencies performing official functions or to preclude any governmental agency from allowing public access to these records in the course of performing official functions.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(21)	Utility structural or operational vulnerability	Utility Service Providers	(A)(i) Records that would allow a person to identify areas of structural or operational vulnerability of a utility service provider or would permit unlawful disruption to or interference with services provided by a utility service provider [shall be treated as confidential and shall not be open for public inspection].	(B) Documents concerning the cost of governmental utility property, the cost of protecting governmental utility property, the cost of identifying areas of structural or operational vulnerability of a governmental utility, the cost of developing contingency plans for a governmental entity, and the identity of vendors providing goods or services to a governmental entity in connection with the foregoing shall not be confidential. However, any documents relating to these subjects shall not be made available to the public unless information that is confidential under this subsection (a) or any other provision of this chapter has been redacted or deleted from the documents.  (D) Nothing in this subdivision (a)(21) shall be construed to limit access to these records by other governmental agencies performing official functions or to preclude any governmental agency from allowing public access to these records in the course of performing official functions.
10-7-504(a)(22)(A)	Audit working papers, Internal audit, Investigations	Tennessee Comptroller of the Treasury; State, County and Local Government Internal Audit Staffs	The following records shall be treated as confidential and shall not be open for public inspection: The audit working papers [including auditee records, intra- and inter-agency communications, draft reports, schedules, notes, memoranda and all other records relating to an audit or investigation] of the comptroller of the treasury and state, county and local government internal audit staffs conducting audits as authorized by § 4-3-304.	
10-7-504(a)(22)(B)	Fraud, waste and abuse hotline	Tennessee Comptroller of the Treasury	The following records shall be treated as confidential and shall not be open for public inspection: All information and records received or generated by the comptroller containing allegations of unlawful conduct or fraud, waste or abuse.	
10-7-504(a)(22)(C)	Tests, Examinations	Tennessee Comptroller of the Treasury	The following records shall be treated as confidential and shall not be open for public inspection: All examinations administered by the comptroller as part of the assessment certification and education program, including, but not limited to, the total bank of questions from which the tests are developed, the answers, and the answer sheets of individual test takers.	
10-7-504(a)(22)(D)	Surveys	Tennessee Comptroller of the Treasury	The following records shall be treated as confidential and shall not be open for public inspection: Survey records, responses, data, identifying information as defined in subdivision (a)(15), intra-agency and interagency communications, and other records received to serve as input for any survey created, obtained, or compiled by the comptroller.	Subdivision (a)(22)(D) shall not apply to any survey conducted by the office of open records counsel, created by § 8-4-601.
10-7-504(a)(23)	Teacher evaluations	Local Education Agencies (LEA)	All records containing the results of individual teacher evaluations administered pursuant to the policies, guidelines, and criteria adopted by the state board of education under § 49-1-302 shall be treated as confidential and shall not be open to the public.	Nothing in subdivision (a)(23) shall be construed to prevent the LEA, public charter school, state board of education, or department of education from accessing and utilizing such records as required to fulfill their lawful functions [including] the releasing of such records to parties conducting research in accordance with § 49-1-606(b).
10-7-504(a)(24)	Proprietary information	Tennessee Alcoholic Beverage Commission	All proprietary information provided to the alcoholic beverage commission shall be treated as confidential and shall not be open for inspection by members of the public. "[P]roprietary information" means commercial or financial information which is used either directly or indirectly in the business of any person or company submitting information to the alcoholic beverage commission and which gives such person an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information.	
10-7-504(a)(25)	Student records	Tennessee Secondary School Athletic Association	Records or information relating to academic performance, financial status of a student or the student's parent or guardian, medical or psychological treatment or testing, and personal family information in the possession of such [voluntary] association [that establishes and enforces bylaws or rules for interscholastic sports competition for secondary schools in this state] shall be confidential.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(26)	Employees, Job performance evaluations	Tennessee Comptroller of the Treasury, Tennessee Department of Treasury, Tennessee Secretary of State, and Public Institutions of Higher Education	<p>(A) Job performance evaluations of the following employees shall be treated as confidential and shall not be open for public inspection:</p> <p>(i) Employees of the department of treasury;</p> <p>(ii) Employees of the comptroller of the treasury;</p> <p>(iii) Employees of the secretary of state's office; and</p> <p>(iv) Employees of public institutions of higher education.</p> <p>(B) "[J]ob performance evaluations" includes, but is not limited to, job performance evaluations completed by supervisors, communications concerning job performance evaluations, self-evaluations of job performance prepared by employees, job performance evaluation scores, drafts, notes, memoranda, and all other records relating to job performance evaluations.</p>	(C) Nothing in this subdivision (a)(26) shall be construed to limit access to those records by law enforcement agencies, courts, or other governmental agencies performing official functions.
10-7-504(a)(27)	E-mail addresses	Tennessee Secretary of State, Division of Business Services	E-mail addresses collected by the department of state's division of business services . . . shall be treated as confidential and shall not be open to inspection by members of the public.	Except those [e-mail addresses] that may be contained on filings submitted pursuant to title 47, chapter 9, or § 55-3-126(f).
10-7-504(a)(28)	Procurement	Local Government Entities	Proposals and statements of qualifications received by a local government entity in response to a personal service, professional service, or consultant service request for proposals or request for qualifications solicitation, and related records, including, but not limited to, evaluations, names of evaluation committee members, and all related memoranda or notes, shall not be open for public inspection until the intent to award the contract to a particular respondent is announced.	
10-7-504(a)(29)	Personally identifying information	All	<p>(A) No governmental entity shall publicly disclose personally identifying information of any citizen of the state.</p> <p>(C) "[P]ersonally identifying information" means:</p> <p>(i) Social security numbers;</p> <p>(ii) Official state or government issued driver licenses or identification numbers;</p> <p>(iii) Alien registration numbers or passport numbers;</p> <p>(iv) Employer or taxpayer identification numbers;</p> <p>(v) Unique biometric data, such as fingerprints, voice prints, retina or iris images, or other unique physical representations; or</p> <p>(vi) Unique electronic identification numbers, routing codes or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data.</p>	<p>(A) [Personally identifying information may be disclosed if] :</p> <p>(i) Permission is given by the citizen;</p> <p>(ii) Distribution is authorized under state or federal law; or</p> <p>(iii) Distribution is made:</p> <p>(a) To a consumer reporting agency as defined by the federal Fair Credit Reporting Act (15 U.S.C. §§ 1681 et seq.);</p> <p>(b) To a financial institution subject to the privacy provisions of the federal Gramm Leach Bliley Act (15 U.S.C. § 6802); or</p> <p>(c) To a financial institution subject to the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (31 U.S.C. §§ 5311 et seq.).</p> <p>(B)(i) This subdivision (a)(29) does not prohibit the use of personally identifying information by a governmental entity in the performance of its functions or the disclosure of personally identifying information to another governmental entity, or an agency of the federal government, or a private person or entity that has been authorized to perform certain duties as a contractor of the governmental entity.</p> <p>(ii) Any person or entity receiving personally identifying information from a governmental entity shall be subject to the same confidentiality provisions as the disclosing entity; provided, however, that the confidentiality provisions applicable to a consumer reporting agency or financial institution as defined in subdivision (a)(29)(A)(iii) shall be governed by federal law.</p> <p>§ 8-13-118(a)(2) A military discharge may be recorded with all or a portion of the veteran's social security identification number redacted, but this is not required for recording.</p> <p>(b) A county register may record a military discharge of a veteran of the United States armed forces that is received with or without the redaction of all or a portion of the veteran's social security identification number.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(d)	Employee assistance programs	All	Records of any employee's identity, diagnosis, treatment, or referral for treatment that are maintained [separately from personnel and other records regarding such employee that are open for inspection] by any state or local government employee assistance program shall be confidential. "[E]mployee assistance program" means any program that provides counseling, problem identification, intervention, assessment, or referral for appropriate diagnosis and treatment, and follow-up services to assist employees of such state or local governmental entity who are impaired by personal concerns including, but not limited to, health, marital, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns which may adversely affect employee job performance.	
10-7-504(e)	Unpublished telephone numbers	Tennessee Emergency Communications Board, Emergency Communications Districts	[Until such time as any provision of the service contract between the telephone service provider and the consumer providing otherwise is effectuated] unpublished telephone numbers in the possession by the emergency communications districts [or the ECB] or its designated agent shall be treated as confidential and shall not be open for inspection by members of the public.	[A]ddresses held with such unpublished telephone numbers, or addresses otherwise collected or compiled, and in the possession of emergency communications districts [or the ECB] or its designated agent shall be made available upon written request to any county election commission for the purpose of compiling a voter mailing list for a respective county.
10-7-504(f)	Employees, Identifying information	All	<p>(1) The following records or information of any state, county, municipal or other public employee or former employee, or applicant to such position, or of any law enforcement officer commissioned pursuant to § 49-7-118, 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 and personal cell phone numbers;</p> <p>(B) Bank account and individual health savings account, retirement account and pension account information;</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>(1)(B) [N]othing 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>(2) Information made confidential by this subsection (f) shall be redacted wherever possible and nothing in this subsection (f) shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.</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(f)(6)	Bank account information	Tennessee Department of the Treasury	Notwithstanding any provision to the contrary, the bank account information [including bank account numbers, transit routing numbers, and name of financial institution] for any state, county, municipal, or other public employee, former employee or applicant to such position, or any law enforcement officer commissioned pursuant to § 49-7-118, that is received, compiled or maintained by the department of treasury, shall be confidential and not open for inspection by members of the public, regardless of whether the employee is employed by the department of treasury.	
10-7-504(f)(7)	Investment division employee disclosures	Tennessee Department of the Treasury	Notwithstanding any provision to the contrary, the following information that is received, compiled or maintained by the department of treasury relating to the department's investment division employees who are so designated in writing by the state treasurer shall be kept confidential and not open for inspection by members of the public: holdings reports, confirmations, transaction reports and account statements relative to securities, investments or other assets disclosed by the employee to the employer, or authorized by the employee to be released to the employer directly or otherwise.	



Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(g)	Law enforcement, Employees	Law Enforcement Agencies	<p>(1)(A)(i) [Personal information in the possession of an entity in its capacity as an employer of such law enforcement personnel] shall be redacted where there is a reason not to disclose as determined by the chief law enforcement officer or . . . designee.</p> <p>(iii) The chief law enforcement officer shall reserve the right to segregate information that could be used to identify or to locate an officer designated as working undercover.</p> <p>(ii) When . . . the request is for a professional, business, or official purpose, the chief law enforcement officer or custodian shall consider the specific circumstances to determine whether there is a reason not to disclose and shall release all information, except information made confidential in subsection (f), if there is not such a reason. In all other circumstances, the officer shall be notified prior to disclosure of the personal information and shall be given a reasonable opportunity to be heard and oppose the release of the information.</p>	<p>Nothing in this subsection (g) shall be:</p> <p>(2) used to limit or deny access to otherwise public information because a file, a document, or data file contains some information made confidential by it;</p> <p>(3) construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions;</p> <p>(4) except as provided in subdivision (g)(1), construed to close personnel records of public officers, which are "currently open under state law"; or</p> <p>(5) construed to limit access when the employee expressly authorizes the release of such information.</p>
10-7-504(h)	Death sentence, Identifying information	Tennessee Department of Correction	<p>(1) Notwithstanding any other law to the contrary, those parts of the record identifying an individual or entity as a person or entity who or that has been or may in the future be directly involved in the process of executing a sentence of death shall be treated as confidential and shall not be open to public inspection. . . . Records made confidential by this section include, but are not limited to, records related to remuneration to a person or entity in connection with such person's or entity's participation in or preparation for the execution of a sentence of death. Such payments shall be made in accordance with a memorandum of understanding between the commissioner of correction and the commissioner of finance and administration in a manner that will protect the public identity of the recipients.</p>	<p>(1) [I]f a contractor is employed to participate in or prepare for the execution of a sentence of death, the amount of the special payment made to such contractor pursuant to the contract shall be reported by the commissioner of correction to the comptroller of the treasury and such amount shall be a public record.</p> <p>(2) Information made confidential by this subsection (h) shall be redacted wherever possible and nothing in this subsection (h) shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.</p>
10-7-504(i)	Unauthorized access, Information processing and communication systems, Government property	State of Tennessee, Counties, Municipalities, Cities, Political Subdivisions of State of Tennessee	<p>(1) Information that would allow a person to obtain unauthorized access to confidential information or to government property (electronic information processing systems, telecommunication systems, or other communications systems) shall be maintained as confidential. . . . Such records include:</p> <p>(A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;</p> <p>(B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and</p> <p>(C) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.</p>	<p>(3)(A) Documents concerning the cost of protecting government property or electronic information shall not be confidential.</p>
10-7-504(i)(3)	Vendors, Information processing and communication systems	State of Tennessee, Counties, Municipalities, Cities, Political Subdivisions of State of Tennessee	<p>(B) The identity of a vendor that provides to the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information shall be confidential.</p> <p>(C) The identity of a vendor that provides to a governmental entity other than the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information shall [be] confidential . . . if the governing body of the governmental entity votes affirmatively to make such information confidential.</p>	<p>(A) Documents concerning the cost of protecting government property or electronic information shall not be confidential.</p> <p>(D) Notwithstanding subdivisions (i)(3)(B) and (C), a governmental entity shall, upon request, provide the identity of a vendor to the comptroller of the treasury and the fiscal review committee of the general assembly. If the identity of the vendor is confidential under subdivision (i)(3)(B) or</p> <p>(C), the comptroller and the fiscal review committee shall exercise reasonable care in maintaining the confidentiality of the identity of the vendor obtained under this subdivision (i)(3)(D).</p>
10-7-504(j)	Identifying information	Tennessee Department of Correction, Tennessee Board of Parole	<p>(1) Notwithstanding any other law to the contrary, identifying information compiled and maintained by the department of correction and the board of parole concerning any person shall be confidential when the person has been notified or requested that notification be provided to the person regarding the status of criminal proceedings or of a convicted felon incarcerated in a department of correction institution, county jail or workhouse or under state supervised probation or parole pursuant to § 40-28-505, § 40-38-103, § 40-38-110, § 40-38-111, § 41-21-240 or § 41-21-242.</p> <p>(2) "[I]dentifying information" means the name, home and work addresses, telephone numbers and social security number of the person being notified or requesting that notification be provided.</p>	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(k)	Identifying information, Victims, Criminal Injuries Compensation Act	State of Tennessee	<p>The following information regarding victims who apply for compensation under the Criminal Injuries Compensation Act, compiled in title 29, chapter 13, shall be treated as confidential and shall not be open for inspection by members of the public:</p> <p>(1) Residential information, including the street address, city, state and zip code;</p> <p>(2) Home telephone and personal cell phone numbers;</p> <p>(3) Social security number; and</p> <p>(4) The criminal offense from which the victim is receiving compensation.</p>	
10-7-504(l)	Identifying information, DCS records	Tennessee Department of Children's Services (DCS)	<p>(1) All applications, certificates, records, reports, legal documents and petitions made or information received pursuant to title 37 that directly or indirectly identifies a child or family receiving services from the department of children's services or that identifies the person who made a report of harm pursuant to § 37-1-403 or § 37-1-605 shall be confidential and shall not be open for public inspection.</p> <p>(2) The information made confidential pursuant to subdivision (l)(1) includes information contained in applications, certifications, records, reports, legal documents and petitions in the possession of not only the department of children's services but any state or local agency, including, but not limited to, law enforcement and the department of education.</p>	<p>Exceptions are provided by §§ 37-1-131, 37-1-409, 37-1-612, 37-5-107 and 49-6-3051. [Pursuant to § 37-3-810(a) the Tennessee Second Look Commission may access information made confidential pursuant to chapter 1 of title 37.]</p>
10-7-504(m)	Security of government buildings	State of Tennessee, Counties, Municipalities, Cities, Political Subdivisions of State of Tennessee	<p>(1) Information and records that are directly related to the security of any government building shall be maintained as confidential and shall not be open to public inspection. . . Such information and records include, but are not limited to:</p> <p>(A) Information and records about alarm and security systems used at the government building, including codes, passwords, wiring diagrams, plans and security procedures and protocols related to the security systems;</p> <p>(B) Security plans, including security-related contingency planning and emergency response plans;</p> <p>(C) Assessments of security vulnerability;</p> <p>(D) Information and records that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and</p> <p>(E) Surveillance recordings, whether recorded to audio or visual format, or both.</p>	<p>(1)(E) [S]egments of surveillance recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity. In addition, if the recordings are relevant to a civil action or criminal prosecution, then the recordings may be released in compliance with a subpoena or an order of a court of record in accordance with the Tennessee rules of civil or criminal procedure. The court or administrative judge having jurisdiction over the proceedings shall issue appropriate protective orders, when necessary, to ensure that the information is disclosed only to appropriate persons. Release of any segment or segments of the recordings shall not be construed as waiving the confidentiality of the remaining segments of the audio or visual tape.</p> <p>(2) Information made confidential by this subsection (m) shall be redacted wherever possible and nothing in this subsection (m) shall be used to limit or deny access to otherwise public information because a file or document contains confidential information.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(n)	Procurement	State of Tennessee	<p>(1) Notwithstanding any law to the contrary, the following documents submitted to the state in response to a request for proposal or other procurement method shall remain confidential after completion of the evaluation period:</p> <p>(A) Discount, rebate, pricing or other financial arrangements at the individual drug level between pharmaceutical manufacturers, pharmaceutical wholesalers/distributors, and pharmacy benefits managers, as defined in § 56-7-3102, that a proposer:</p> <p>(i) Submits to the state in response to a request for proposals or other procurement methods for pharmacy-related benefits or services;</p> <p>(ii) Includes in its cost or price proposal, or provides to the state after the notice of intended award of the contract is issued, where the proposer is the apparent contract awardee; and</p> <p>(iii) Explicitly marks as confidential and proprietary; and</p> <p>(B) Discount, rebate, pricing or other financial arrangements at the individual provider level between health care providers and health insurance entities, as defined in § 56-7-109, insurers, insurance arrangements and third party administrators that a proposer:</p> <p>(i) Submits to the state in response to a request for proposals or other procurement method after the notice of intended award of the contract is issued, where the proposer is the apparent contract awardee, in response to a request by the state for additional information; and</p> <p>(ii) Explicitly marks as confidential and proprietary.</p>	<p>(2)(A) Any report produced by the state, or on the state's behalf, utilizing the information made confidential by subdivision (n)(1)(B) shall not be considered confidential hereunder so long as such report is disclosed in an aggregate or summary format without disclosing discount, rebate, pricing or other financial arrangements at the individual provider level.</p> <p>(2)(B) The comptroller of the treasury, for the purpose of conducting audits or program evaluations, shall have access to the discount, rebate, pricing and descriptions of other financial arrangements cited in subsection (n) as submitted in a procurement or as a report to the contractor; provided, however, that no official, employee or agent of the state of Tennessee may release or provide for the release, in any form, of information subject to confidential custody under subsection (n).</p>
10-7-504(o)	Handgun permits	All	<p>(1) Except as provided in subdivisions (o)(2)–(4), the following information and records are confidential, not open or available for public inspection and shall not be released in any manner:</p> <p>(A) All information contained in any application for a handgun carry permit pursuant to § 39-17-1351, a permit renewal application, or contained in any materials required to be submitted</p> <p>(B) All information provided to any state or federal agency, to any county, municipality, or other political subdivision, to any official, agent, or employee of any state or federal agency, or obtained by any state or federal agency in the course of its investigation of an applicant for a handgun carry permit; and</p> <p>(C) Any and all records maintained relative to an application for a handgun carry permit issued pursuant to § 39-17-1351, a permit renewal application, the issuance, renewal, expiration, suspension, or revocation of a handgun carry permit, or the result of any criminal history record check conducted under this part.</p>	<p>(2) Any information . . . may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution, or for determining the validity of a handgun carry permit, or to a child support enforcement agency for purposes of child support enforcement, but shall not be publicly disclosed except as evidence in a criminal or child support enforcement proceeding.</p> <p>(3) Any person or entity may request the department of safety to search its handgun permit holder database to determine if a named person has a Tennessee handgun carry permit, as of the date of the request, if the person or entity presents with the request a judgment of conviction, criminal history report, order of protection, or other official government document or record that indicates the named person is not eligible to possess a handgun carry permit under the requirements of § 39-17-1351.</p> <p>(4) Nothing in this subsection (o) shall prohibit release of the handgun carry permit statistical reports authorized by § 39-17-1351(s).</p>
10-7-504(p)	School safety and security of school building	Local Education Agencies (LEA), Schools, Educational Institutions	Information, records, and plans that are related to school security, the district-wide school safety plans or the building-level school safety plans shall not be open to public inspection.	School administrators of an LEA may discuss or distribute information to parents or legal guardians of children attending the school regarding procedures for contacting or obtaining a child following a natural disaster.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(q)	Identifying information, Photographs, Videos, Victims of sexual offense	All	<p>(1) Where a defendant has plead guilty to, or has been convicted of, and has been sentenced for a sexual offense or violent sexual offense specified in § 40-39-202, the following information regarding the victim of the offense shall be treated as confidential and shall not be open for inspection by members of the public:</p> <p>(A) Name, unless waived pursuant to subdivision (q)(2);</p> <p>(B) Home, work and electronic mail addresses;</p> <p>(C) Telephone numbers;</p> <p>(D) Social security number; and</p> <p>(E) Any photographic or video depiction of the victim.</p>	<p>(2)(A) At any time after the defendant or defendants in a case have been sentenced . . . , the victim of such offense whose name is made confidential . . . may waive such provision and allow the victim's name to be obtained in the same manner as other public records.</p> <p>(3) Nothing in this subsection (q) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (q).</p> <p>(4) Nothing in this subsection (q) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (q)(1); provided, that confidential information shall be redacted before any access is granted to a member of the public.</p> <p>(5) Nothing in this subsection (q) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.</p>
10-7-504(r)	Bank account information	State Governmental Agency	Notwithstanding any provision to the contrary, any bank account information that is received, compiled, or maintained by a state governmental agency, shall be confidential and shall not be an open record for inspection by members of the public. The bank account information that shall be kept confidential includes, but is not limited to, debit card numbers and any related personal identification numbers (PINs) or authorization codes, bank account numbers, and transit routing numbers.	
10-7-504(s)	Insurance verification, James Lee Atwood Jr. Law	Tennessee Department of Revenue, Tennessee Department of Safety and Homeland Security, Tennessee Department of Commerce and Insurance, Law Enforcement Agencies, Courts	The records of the insurance verification program created pursuant to the James Lee Atwood Jr. Law, compiled in title 55, chapter 12, part 2, in the possession of the department of revenue or its agent, the department of safety, the department of commerce and insurance, law enforcement, and the judiciary pursuant to the James Lee Atwood Jr. Law, shall be treated as confidential and shall not be open for inspection by members of the public.	
10-7-504(t)	Identifying information, Photographs, Videos, Juveniles	All, Law Enforcement Agencies	<p>(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:</p> <p>(A) Name, unless waived pursuant to subdivision (v)(2);</p> <p>(B) Home, work, and electronic mail addresses;</p> <p>(C) Telephone numbers;</p> <p>(D) Social security number;</p> <p>(E) Any photographic or video depiction of the minor victim; and</p> <p>(F) Whether the defendant is related to the victim unless the relationship is an essential element of the offense.</p>	<p>(2) The custodial parent or legal guardian of the minor victim . . . may petition a court of record to waive confidentiality and allow the minor victim's name to be obtained in the same manner as other public records. Upon finding good cause shown, the court shall enter the order granting the waiver.</p> <p>(3) The subsection . . . shall not be construed to:</p> <p>(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;</p> <p>(B) Limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (t)(1); provided, that confidential information shall be redacted before any access is granted to a member of the public;</p> <p>(C) Limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions; or</p> <p>(D) Limit or prevent law enforcement from releasing information included in this subsection (t) for the purposes of locating and identifying missing, exploited, or abducted minors.</p>
10-7-504(u)	Law enforcement body camera video	All, Law Enforcement Agencies	<p>(1) Video taken by a law enforcement body camera that depicts the following shall be treated as confidential and not subject to public inspection:</p> <p>(A) Minors, when taken within a school that serves any grades from kindergarten through grade twelve (K-12);</p> <p>(B) The interior of a facility licensed under title 33 [Mental health and substance abuse and intellectual and developmental disabilities] or title 68 [Health, safety and environmental protection]; or</p> <p>(C) The interior of a private residence that is not being investigated as a crime scene.</p>	<p>(2) Nothing in this subsection shall prevent the district attorney general or attorney general and reporter and counsel for a defendant charged with a criminal offense from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection.</p> <p>(3) Nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (u)(1); provided, that confidential information shall be redacted before any access is granted to a member of the public.</p> <p>(4) Nothing in this subsection shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.</p>

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(v)	Examinations, Tests, Licensure, Health professionals	Tennessee Department of Health	Notwithstanding any law the contrary, examination questions, answer sheets, scoring keys, and other examination data used for the purpose of licensure, certification, or registration of health professionals under title 63 or title 68 shall be treated as confidential and shall not be open for inspection by members of the public.	(1) A person who has taken such an examination has the right to review the person's own completed examination; and  (2) Final examination scores of persons licensed, certified, or registered as health professionals under title 63 or title 68 shall be open for inspection by members of the public, upon request.
10-7-508	Access to records	Tennessee Secretary of State, Tennessee State Library and Archives, Tennessee Comptroller of the Treasury	(a) The secretary of state or the secretary of state's designated representative, the state librarian and archivist, and the comptroller of the treasury or the comptroller's designated representative for purposes of audit, shall be accorded access to and may examine and receive any public records or writings, whether or not they are subject to public inspection. They shall maintain inviolate any privileged or confidential information so acquired and any record or writing so defined by law.	(b) If the state librarian and archivist or such representative, the secretary of state or such representative and the agency head or such representative should determine that certain administrative or otherwise open public records have been inappropriately filed and designated as confidential public records, then such records shall be removed from the designation of confidential and filed within the appropriate level of access designation.
10-7-513	Military discharge record	All	(b) The [military veteran's department of defense form DD-214 or other military discharge] record is confidential for the seventy-five (75) years following the date it is recorded with or otherwise first comes into the possession of a governmental body. During such period, the governmental body may permit inspection or copying of the record or disclose information contained in the record only in accordance with this section or in accordance with a court order.	(c) On request and presentation of proper identification, the following persons may inspect the military discharge record or obtain from the governmental body a copy or certified copy of such record:  (1) The veteran who is the subject of the record;  (2) The legal guardian of the veteran;  (3) The spouse or a child or parent of the veteran or, if there is no living spouse, child, or parent, the nearest living relative of the veteran;  (4) The personal representative of the estate of the veteran;  (5) The person named by the veteran, or by a person described by subdivision (c)(2), (c)(3), or (c)(4), in an appropriate power of attorney;  (6) Another governmental body; or  (7) An authorized representative of the funeral home that assists with the burial of the veteran.  (d) A court that orders the release of information under this section shall limit the further disclosure of the information and the purposes for which the information may be used.  (e) A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained.
10-7-515(g)	Personally identifying information	County Registers of Deeds	A county register of deeds may redact any personally identifying information that is found on a recorded document maintained on a computer or removable computer storage media, including CD-ROM disk, if the records are stored in a manner that permits redaction.	
10-7-516	Security systems	All	Notwithstanding any other law to the contrary, any information relating to security systems for any property including, but not limited to, all records pertaining to licensure or registration by owners of such systems, information, photos, presentations, schematics, surveys, or any other information related to such security systems held or kept by any governmental entity, shall be treated as confidential and shall not be open for public inspection by members of the public.	
10-8-102	Library records	Libraries	(a) Except as provided in subsection (b), no employee of a library shall disclose any library record that identifies a person as having requested or obtained specific materials, information, or services or as having otherwise used such library. Such library records shall be considered an exception to § 10-7-503.	(b) Library records may be disclosed under the following circumstances:  (1) Upon the written consent of the library user;  (2) Pursuant to the order of a court of competent jurisdiction; or  (3) When used to seek reimbursement for or the return of lost, stolen, misplaced or otherwise overdue library materials.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
11-1-102(c)(1)	Records concerning radioactive materials	Tennessee Department of Environment and Conservation (TDEC), Nuclear Regulatory Commission	Notwithstanding any law to the contrary, the following records as defined by § 10-7-301 of any division of the department of environment and conservation shall be confidential and shall not be open for inspection by members of the public: (1) Concerning radioactive materials regulated by the U.S. nuclear regulatory commission or by a state under an agreement with the nuclear regulatory commission pursuant to § 274(b) of the Atomic Energy Act.	
11-1-102(c)(2)	Endangered species	Tennessee Department of Environment and Conservation (TDEC)	Notwithstanding any law to the contrary, the following records as defined by § 10-7-301 of any division of the department of environment and conservation shall be confidential and shall not be open for inspection by members of the public: . . . disclosing the specific location of threatened, endangered, or rare species that would not be available to the public under federal law or regulation.	
11-1-102(c)(3)	Identifying information	Tennessee Department of Environment and Conservation (TDEC)	<p>Notwithstanding any law to the contrary, the following records as defined by § 10-7-301 of any division of the department of environment and conservation shall be confidential and shall not be open for inspection by members of the public: . . .</p> <p>(A) Relating to a guest's use of state parks, including a state park guest's:</p> <p>(i) Name;</p> <p>(ii) Home or mobile telephone number;</p> <p>(iii) Address, including the street address or post office box number, city, state, and zip code;</p> <p>(iv) Social security number;</p> <p>(v) Email address;</p> <p>(vi) Reservation, rescheduling, and cancellation information;</p> <p>(vii) Transaction information, including but not limited to purchases of goods or services;</p> <p>(viii) Payment and refund information, including, but not limited to, bank account, credit card, and gift certificate or gift card information;</p> <p>(ix) Driver license information;</p> <p>(x) Vehicle registrations, including, but not limited to, automobiles, boats, and off-highway vehicles; and</p> <p>(xi) Emergency contact information.</p>	<p>[S]ubdivision (c)(3)(A)(vii) does not apply to aggregated statistical information that does not contain personally identifying information.</p> <p>(B) Nothing in subdivision (c)(3)(A) limits:</p> <p>(i) Access to information made confidential pursuant to subdivision (c)(3)(A):</p> <p>(a) By law enforcement agencies, courts, or other governmental agencies performing official functions; or</p> <p>(b) When a guest expressly authorizes the release of such information; or</p> <p>(ii) The creation and release of an internal investigation report to persons identified within the report, unless the report is subject to a legal privilege against disclosure.</p>
12-3-502(g)	Procurement	Tennessee Department of General Services, Procurement Division	Upon issuance of the intent to award, all data relating to the procurement shall be made available for inspection to each respondent of the solicitation, upon request. No contract shall be awarded by the chief procurement officer without providing respondents a reasonable opportunity for inspection. The chief procurement officer shall establish procedures for providing inspection by respondents to solicitations. Such procedures shall be approved by the procurement commission	
12-3-1207	Procurement	Municipalities, Governmental Utility Boards	<p>(f) Competitive sealed proposals [not competitive sealed bids] shall be opened in a manner that avoids disclosure of contents to competing respondents during the negotiation. The proposals shall be open for public inspection after the intent to award the contract to a particular respondent is announced.</p> <p>(h) In conducting discussions, the purchasing agent and other municipal personnel may make no disclosure to any respondent of any information derived from proposals submitted by competing respondents.</p>	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
12-3-1208(d)	Bids	Counties, Cities, Municipalities, Special Districts, Utility Districts, School Districts, Authorities	[All bid responses received by a local governmental unit for goods or services to be purchased through a competitive reverse auction process shall not be open for public inspection until the close of the specified bid period and the award to the successful bidder has been made.]	All bid responses received shall be made available publicly at the time and place identified in the invitation to bid. An award shall be made to the offeror determined to be the lowest responsible and responsive bidder at the close of the specified bid period. Each bid, with the name and address of the bidder, shall be recorded and the names of the bidders, the amounts of their bids and the name of the successful bidder shall, after the award, be open to public inspection.
12-4-414	Payroll records	Tennessee Department of Labor and Workforce Development	[Payroll records provided pursuant to the prevailing wage act for state highway construction projects are not available for public inspection.]	All [other] records and documentation provided for in this part . . . shall be made available for public inspection by the commission and the department of labor and workforce development during normal business hours.
16-1-117(a)(6)(C)	Court caseload reports, Firearm Disabilities	Administrative Office of the Courts, Court Clerks	The information reported pursuant to subdivision (a)(6)(A) shall be maintained as confidential and not subject to public inspection, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.	
16-3-404	Supreme Court Rules	Tennessee Supreme Court	<p>The supreme court shall fix the effective date of all its rules; provided, that the rules shall not take effect until they have been reported to the general assembly by the chief justice at or after the beginning of a regular session of the general assembly, but not later than February 1 during the session, and until they have been approved by resolutions of both the house of representatives and the senate.</p> <p>Sup.Ct.Rules:</p> <ul style="list-style-type: none"> <li>• Rule 31, § 11. Proceedings for Discipline of Rule 31 Mediators</li> <li>• Rule 9, § 5. Ethics Opinions (c)</li> <li>• Rule 9, § 10. Periodic Assessment of Attorneys (10.1)</li> <li>• Rule 9, § 32. Confidentiality</li> <li>• Rule 41, Canon 5. Confidentiality (spoken foreign language interpreters in court)</li> </ul> <p>Tenn. R. Crim. P., Rule 16. Discovery and Inspection Tenn. Court of Appeals Rule 15. Filing Documents Under Seal Tenn. R. Civ. P., Rule 26.03 Protective Orders</p>	Sup.Ct.Rules, Rule 8, RPC 1.6—when a lawyer may reveal information relating to the representation of a client.
16-10-205(j)	Petition for firearm disabilities relief	Tennessee Bureau of Investigation (TBI), Tennessee Department of Safety and Homeland Security	The TBI and the Department of Safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section [related to petition to circuit or criminal courts for relief from firearm disability].	
16-10-213(d)	Firearms disabilities	Tennessee Department of Safety and Homeland Security	The information in subdivisions (c)(1)–(5), the confidentiality of which is protected by other statutes or regulations, shall be maintained as confidential and not subject to public inspection pursuant to such statutes or regulations, except for such use as may be necessary in the conduct of any proceedings pursuant to §§ 39-17-1316, 39-17-1353 and 39-17-1354.	
16-11-202(j)	Petition for firearm disabilities relief	Tennessee Bureau of Investigation (TBI), Tennessee Department of Safety and Homeland Security	The TBI and the department of safety shall not use or permit use of the records or information obtained or retained pursuant to this section for any purpose not specified in the section [regarding petitions to chancery courts for relief from firearm disabilities].	
16-15-405(j)	Petition for firearm disabilities relief	Tennessee Bureau of Investigation (TBI), Tennessee Department of Safety and Homeland Security	The TBI and the department of safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section [regarding petitions to general sessions courts for relief from firearm disabilities].	
16-16-121(j)	Petition for firearm disabilities relief	Tennessee Bureau of Investigation (TBI), Tennessee Department of Safety and Homeland Security	The TBI and the department of safety shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in the section [regarding petitions to county courts for relief from firearm disabilities].	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
16-20-103	Mediation, victims	Victim-offender Mediation Centers	(a) All memoranda, work notes or products, or case files of centers established under this chapter are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding. . . . Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person is a privileged communication and is not subject to disclosure in any judicial or administrative proceeding unless all parties to the communication waive the privilege.	(a) [Confidentiality and privilege do not apply if] the court or administrative tribunal determines that the materials were submitted by a participant to the center for the purpose of avoiding discovery of the material in a subsequent proceeding.  (b) The privilege and limitation on evidentiary use described in subsection (a) does not apply to any communication of a threat that injury or damage may be inflicted on any person or on the property of a party to the dispute, to the extent the communication may be relevant evidence in a criminal matter. Such communications shall not be construed to be public records pursuant to title 10, chapter 7.
17-5-208(b)(2)	Judiciary investigation	Board of Judicial Conduct, Tennessee General Assembly	The notice [from Board of Judicial Conduct] provided the speakers [of the general assembly] pursuant to subdivisions (a)(2) and (3) [of private reprimand to a judge] shall remain confidential.	[U]nless the general assembly opens an investigation of such judge pursuant to article VI, § 6 or article V of the Tennessee Constitution
17-5-303(b)	Judiciary complaints	Board of Judicial Conduct	All complaints [of anyone having reason to believe a judge is disabled] made under this section shall be confidential and privileged.	
17-5-307(g)(4)	Judiciary investigation	Board of Judicial Conduct	An affidavit signed by a judge consenting to sanction(s) in proceeding involving allegations of misconduct shall remain confidential until it is filed with the board.	
22-1-103( c)	Jury service	Petit or grand juries	Documents submitted pursuant to this section [to be excused from serving as a juror] shall be maintained by the jury coordinator during the jury service term, but may be destroyed thereafter. These documents are not public records and shall not be disclosed, except pursuant to a court order; however, the jury coordinator shall maintain a list of members of the jury pool who were excused pursuant to this section, and that information shall be made available upon request.	
22-2-302	Jury lists	Circuit Courts	The jury book [containing jury list compiled by circuit court (not automated list)] shall be kept in secret by the jury coordinator under lock and key and no one shall be allowed to inspect the jury book except the presiding judge of the judicial district or the jury coordinator.	
23-3-105	Privileged communications, Attorney-client	Attorneys	No attorney, solicitor or counselor shall be permitted, in giving testimony against a client or person who consulted the attorney, solicitor or counselor professionally, to disclose any communication made to the attorney, solicitor or counselor as such by such person during the pendency of the suit, before or afterward, to the person's injury.	
23-4-104	Privileged communications, Lawyers assistance programs, Attorney-client	Tennessee Lawyers Assistance Programs	All information, in any form whatsoever, furnished to the lawyers' assistance program shall be a privileged communication and shall be governed by the laws pertaining to the attorney-client privilege.	
23-4-105	Lawyers assistance programs	Tennessee Lawyers Assistance Programs	The records, proceedings and all communications of any lawyers' assistance program shall be deemed confidential and shall not be available for court subpoena.	This section shall not prevent the subpoena of business records that are otherwise available through subpoena. Such records are not to be construed as privileged merely because they have been provided to a lawyers' assistance committee.
24-1-201(b)	Privileged communications, Marriage		In a civil proceeding, confidential communications between married persons are privileged and inadmissible if either spouse objects.	This communications privilege shall not apply to proceedings between spouses or to proceedings concerning abuse of one (1) of the spouses or abuse of a minor in the custody of or under the dominion and control of either spouse, including, but not limited to, proceedings arising under title 36, chapter 1, part 1; title 37, chapter 1, parts 1, 4 and 6; title 37, chapter 2, part 4; and title 71, chapter 6, part 1. This confidential communications privilege shall not apply to any insured's obligations under a contract of insurance in civil proceedings.  See § 37-1-614 child sexual abuse.



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
24-1-201(c)	Privileged communications, Marriage		<p>(1) In a criminal proceeding a marital confidential communication shall be privileged if:</p> <p>(A) The communications originated in a confidence that they will not be disclosed;</p> <p>(B) The element of confidentiality is essential to the full and satisfactory maintenance of the relation between the parties;</p> <p>(C) The relation must be one which, in the opinion of the community, ought to be sedulously fostered; and</p> <p>(D) The injury to the relation by disclosure of the communications outweighs the benefit gained for the correct disposal of litigation.</p> <p>(2) Upon a finding that a marital communication is privileged, it shall be inadmissible if either spouse objects.</p>	<p>(2) Such communication privileges shall not apply to proceedings concerning abuse of one (1) of the spouses or abuse of a minor in the custody of or under the dominion and control of either spouse, including, but not limited to proceedings arising under title 37, chapter 1, parts 1 and 4; title 37, chapter 2, part 4; and title 71, chapter 6, part 1.</p> <p>See § 37-1-614 child sexual abuse.</p>
24-1-204	Privileged communications, Crisis response services		<p>(b) All communications between a team member or team leader [an individual specially trained to provide crisis response services as a member or leader of a registered critical incident stress management team] 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.</p> <p>(c) Except as provided under subsection</p> <p>(d), no person, whether a team member, team leader or group participant, providing or participating in a crisis intervention shall be required to testify or divulge any information obtained solely through such crisis intervention.</p>	<p>(d) The testimonial privilege established under subsection (c) shall not apply if any of the following are true:</p> <p>(1) The communication indicates the existence of a danger to the individual who receives crisis response services or to any other person or persons;</p> <p>(2) The communication indicates the existence of past or present child abuse or neglect of the individual, abuse of an adult as defined in title 71, chapter 6 or family violence as defined in title 71, chapter 6, part 2;</p> <p>(3) The communication indicates the existence of past or present acts constituting an intentional tort or crime; provided, that the applicable statute of limitation has not expired on the act indicated; or</p> <p>(4) All parties involved in the crisis intervention, including the individual or individuals who received crisis response services, expressly waive the privilege and consent to the testimony.</p> <p>See § 37-1-614 child sexual abuse.</p>
24-1-206	Privileged communications, Clergy		<p>(a)(1) No minister of the gospel, priest of the Catholic Church, rector of the Episcopal Church, ordained rabbi, or regular minister of religion of any religious organization or denomination usually referred to as a church, over eighteen (18) years of age, shall be allowed or required in giving testimony as a witness in any litigation, to disclose any information communicated to that person in a confidential manner, properly entrusted to that person in that person's professional capacity, and necessary to enable that person to discharge the functions of such office according to the usual course of that person's practice or discipline, wherein such person so communicating such information about such person or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted.</p>	<p>(b) The prohibition of this section shall not apply to cases where the communicating party, or parties, waives the right so conferred by personal appearance in open court so declaring, or by an affidavit properly sworn to by such a one or ones, before some person authorized to administer oaths, and filed with the court wherein litigation is pending.</p> <p>(c) Nothing in this section shall modify or in any way change the law relative to "hearsay testimony."</p> <p>See § 37-1-614 child sexual abuse.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
24-1-207	Privileged communications, Psychiatrists		(a) Communications between a patient and a licensed physician when practicing as a psychiatrist in the course of and in connection with a therapeutic counseling relationship regardless of whether the therapy is individual, joint, or group, are privileged in proceedings before judicial and quasi-judicial tribunals. Neither the psychiatrist nor any member of the staff may testify or be compelled to testify as to such communications or otherwise reveal them in such proceedings without consent of the patient.	(a)[Communications may be revealed without consent of the patient when:]  (1) In proceedings in which the patient raises the issue of the patient's mental or emotional condition;  (2) In proceedings for which the psychiatrist was ordered by the tribunal to examine the patient if the patient was advised that communications to the psychiatrist would not be privileged, but testimony as to the communications is admissible only on issues involving the patient's mental or emotional condition; and  (3) In proceedings to involuntarily hospitalize the patient under title 33, chapter 6, part 4 or title 33, chapter 6, part 5, if the psychiatrist decides that the patient is in need of care and treatment in a residential facility. Unless otherwise ordered by the court, the exception is limited to disclosures necessary to establish that the patient poses a substantial likelihood of serious harm requiring involuntary hospitalization under title 33, chapter 6, part 4 or title 33, chapter 6, part 5.  (c)(1) Privileged communications between a patient and a licensed physician when practicing as a psychiatrist in the course of and in connection with a therapeutic counseling relationship, regardless of whether the therapy is individual, joint, or group, may be disclosed without consent of the patient if:  (A) Such patient has made an actual threat to physically harm an identifiable victim or victims; and  (B) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out the threat.  (2) The psychiatrist may disclose patient communications to the extent necessary to warn or protect any potential victim. No civil or criminal action shall be instituted, nor shall liability be imposed due to the disclosure of otherwise confidential communications by a psychiatrist pursuant to this subsection.  See § 33-3-114: qualified mental health professional may be compelled to testify in specified situations.  See § 37-1-614 child sexual abuse.
24-1-207(b)	Patient information, Personally identifying information, Psychiatrists, Meetings		When personally identifiable patient information is to be disclosed in a judicial or quasi-judicial proceeding or any other public proceeding, the authority conducting the proceeding shall take reasonable steps to prevent unnecessary exposure of such information to the public and to further this section's policy of protecting the right of privacy. Such steps may include screening of questions in pre-hearing conferences and in camera inspection of papers.	
24-1-208	Privileged communications, Media Sources		(a) A person engaged in gathering information for publication or broadcast connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast, shall not be required by a court, a grand jury, the general assembly, or any administrative body, to disclose before the general assembly or any Tennessee court, grand jury, agency, department, or commission any information or the source of any information procured for publication or broadcast.	(b) Subsection (a) shall not apply with respect to the source of any allegedly defamatory information in any case where the defendant in a civil action for defamation asserts a defense based on the source of such information.  (c)(1) Any person seeking information or the source thereof protected under this section may apply for an order divesting such protection. Such application shall be made to the judge of the court having jurisdiction over the hearing, action or other proceeding in which the information sought is pending.  See § 37-1-614 child sexual abuse.
24-1-209	Privileged communications, Attorneys and investigators		Communication between an attorney and a private detective or investigator hired by such attorney, while acting in their respective professional capacities shall be privileged communications.	See § 37-1-614 child sexual abuse.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
24-1-210(b)	Privileged communications, Interpreters, Relay operators		No interpreter or dual party relay operator shall be permitted or required to disclose information obtained by virtue of facilitating any confidential communication.	See § 37-1-614 child sexual abuse.
24-1-211(f)	Privileged communications, Interpreters		Any and all information that the [qualified] interpreter gathers from the deaf person pertaining to any proceeding then pending shall at all times remain confidential and privileged, or on an equal basis with the attorney-client privilege, unless such deaf person desires that such information be communicated to other persons.	See § 37-1-614 child sexual abuse.
29-20-401(g)(3)	Governmental tort liability, Audits, Investigations	Tennessee Department of Commerce and Insurance, Tennessee Comptroller of the Treasury	Any information obtained by or disclosed to the commissioner of commerce and insurance pursuant to an examination, audit or investigation conducted under this chapter shall be confidential and shall not be disclosed to the public. Any information obtained by or disclosed to the comptroller shall be considered working papers of the comptroller and, therefore, are confidential. Furthermore, the commissioner of commerce and insurance shall not disclose any information relating to the reserving of particular claims, if disclosure would likely prejudice the fund in settling the claim.	[The confidentiality of information relating to the reserving of particular claims] shall not apply to any examination report, audit or investigative report prepared by the commissioner of commerce and insurance or the comptroller, or to any rebuttal to such reports submitted by or on behalf of the fund examined. However, nothing contained in this subdivision (g)(3) shall be construed as prohibiting the commissioner of commerce and insurance or the comptroller from disclosing the information listed in this subdivision (g)(3), or any matters relating to that information, to state agencies of this or any other state, or to law enforcement officials of this or any other state or agency of the federal government at any time.
33-3-103	Mental health and substance abuse services	Tennessee Department of Mental Health and Substance Abuse Services	All applications, certificates, records, reports, legal documents, and pleadings made and all information provided or received in connection with services applied for, provided under, or regulated under this title [33- Mental Health and Substance Abuse and Intellectual and Developmental Disabilities] and directly or indirectly identifying a service recipient or former service recipient shall be kept confidential and shall not be disclosed by any person except in compliance with this part [1, chapter 3, title 33].	<p>§ 33-3-104: Information about a service recipient that is confidential under § 33-3-103 may be disclosed with the consent of: (1) The service recipient who is sixteen (16) years of age or over;</p> <p>(2) The conservator of the service recipient; (3) The attorney in fact under a power of attorney who has the right to make disclosures under the power; (4) The parent, legal guardian, or legal custodian of a service recipient who is a child; (5) The service recipient's guardian ad litem for the purposes of the litigation in which the guardian ad litem serves; (6) The treatment review committee for a service recipient who has been involuntarily committed; (7) The executor, administrator or personal representative on behalf of a deceased service recipient; (8) The caregiver under title 34, chapter 6, part 3; or (9) An individual acting as an agent under the Tennessee Health Care Decisions Act, compiled in title 68, chapter 11, part 18 or a person's surrogate as designated under title 68, chapter 11, part 18.</p> <p>§ 33-3-105: Information that is confidential under § 33-3-103 may be disclosed without consent of the service recipient [under seven specified circumstances, including if] necessary for the preparation of a post-mortem examination report in accordance with § 38-7-110(e) and authorized to be obtained pursuant to § 38-7-117(b).</p> <p>§ 33-3-106: [(a) Disclosure to federally mandated protection and advocacy agency when information is required for a federally mandated function; received information is protected by federal confidentiality laws. (b) Disclosure to organization paying for a service provider's service to a service recipient when information is reasonably necessary to obtain timely payment. (c) Upon determination of a an emergency substantially impairing a provider's capacity to serve, information may be transferred to a new service provider without recipient consent.]</p> <p>§ 33-3-111 (3/1/2001) (a) [When there are accusations of physical or sexual abuse or neglect of a child service recipient, his/her] record shall not be accessible to the person accused of the abuse or neglect, except if: (1) A court orders access under § 33-3-105(3); or (2)(A) The child's qualified mental health professional has determined in the course of the treatment or service, after consultation with the child, the child's guardian ad litem, and others on the child's behalf whom the professional deems appropriate, that the release of the child's record to the accused person would not be harmful to the child; and (B) The accused person is the parent, legal guardian, or legal custodian of the child. (b) If the court permits access to the child's record under subsection (a), the court shall have jurisdiction to issue any necessary orders to control access to and use of the information by the person seeking access, including the issuance of injunctive relief.</p> <p>[§ 33-3-112: Access by service recipient sixteen (16) years of age or older (3/1/2001)</p> <p>§ 33-3-113: Request by service recipient of amendment of own record (3/1/2001)</p> <p>§ 33-3-114: Judicial proceedings to compel testimony by qualified mental health professional (3/1/2001) (7/1/2002)]</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
33-3-108	Mental health and substance abuse, Identifying information	Tennessee Department of Mental Health and Substance Abuse Services	<p>(b)(1) The identity of a person who reports abuse, exploitation, fraud, neglect, misappropriation or mistreatment to the department is confidential and may not be disclosed without the person's consent.</p> <p>(2) The person's identity is irrelevant to any civil proceeding and is not subject to disclosure, except in cases where a caregiver or other person is the subject of a complaint and can make a showing that the complaint was made with malice so that the caregiver or other person may pursue such remedies as may be permitted by law. The person may be subpoenaed if the department or district attorney general deems it necessary to protect the service recipient who is the subject of the report, but the fact that the person made the report may not be disclosed.</p>	<p>(b)(1) [The person's identity may be disclosed] as follows:</p> <p>(A) As necessary to carry out the laws cited in subsection (a);</p> <p>(B) To employees of the department as necessary to investigate the report;</p> <p>(C) To the abuse registry;</p> <p>(D) To the appropriate district attorney general;</p> <p>(E) By order of a court with jurisdiction over abuse, exploitation, fraud, neglect, misappropriation or mistreatment; or</p> <p>(F) By order of a court or administrative law judge in a proceeding involving sanctions or disciplinary actions against a caregiver or an entity accused of abuse, exploitation, fraud, neglect, misappropriation or mistreatment, when it appears to such court or administrative law judge that the person making the report is or may be a witness to facts relevant to the proceeding.</p> <p>(a) Section 33-3-103 does not preclude making reports of harm or granting access to records if making reports of harm or granting access to records is expressly required by:</p> <p>(1) The Child Abuse Reporting Law, compiled in title 37, chapter 1, part 4;</p> <p>(2) The Child Sexual Abuse Reporting Law, compiled in title 37, chapter 1, part 6; or</p> <p>(3) The Adult Protective Services Law, compiled in title 71, chapter 6.</p>
33-6-624(e)(5)	Petition for assisted outpatient treatment	Courts	[Before ordering an outpatient treatment plan, the court shall hold a hearing which] shall be confidential, and a report of the proceedings shall not be released to the public or press.	Unless the proposed patient requests a public hearing.
33-10-104(f)(1)	Substance abuse	Tennessee Department of Mental Health and Substance Abuse Services	All records and reports regarding such pregnant woman [referred for drug abuse or drug dependence treatment at any treatment resource that receives public funding] shall be kept confidential.	
33-10-408	Substance abuse, Alcohol abuse	Counties	(a) The registration and other records of [alcohol abuse] treatment facilities shall remain confidential and are privileged.	(b) Notwithstanding subsection (a), the director may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information under this subsection (b) shall not be published in a way that discloses patients' names or other identifying information.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
36-1-102	Adoption	Tennessee Department of Children's Services (DCS)	<p>(6)(B) The adoption record is confidential and is not subject to disclosure by the court, by a licensed child-placing agency, by a licensed clinical social worker or by any other person or entity, except as otherwise permitted by this part.</p> <p>(6)(C) The adoption record shall not, for purposes of release of the records pursuant to §§ 36-1-127 — 36-1-141, be construed to permit access, without a court order pursuant to § 36-1-138, to home studies or preliminary home studies or any information obtained by the department, a licensed or chartered child-placing agency, a licensed clinical social worker, or other family counseling service, a physician, a psychologist, or member of the clergy, an attorney or other person in connection with a home study or preliminary home study as part of an adoption or surrender or parental consent proceeding or as part of the evaluation of prospective adoptive parents, other than those studies that are expressly included in a report to the court by such entities or persons. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling shall not be included in the adoption record for purposes of release pursuant to this part without a court order pursuant to § 36-1-138.</p> <p>(26) The home study shall be confidential, and at the conclusion of the adoption proceeding shall be forwarded to the department to be kept under seal pursuant to § 36-1-126, and shall be subject to disclosure only upon order entered pursuant to § 36-1-138.</p> <p>(40)(C) This [post adoption] record is confidential and shall be opened only as provided in this part.</p> <p>(41)(C) The [preliminary] home study shall be confidential, and, at the conclusion of the adoption proceeding, shall be forwarded to the department to be kept under seal pursuant to § 36-1-126, and shall be subject to disclosure only upon order entered pursuant to § 36-1-138.</p> <p>(45)(B) [The sealed adoption] record is confidential and shall be opened only as provided in this part.</p> <p>(46)(B) [The sealed] record is confidential and shall be opened only as provided in this part.</p>	<p>(6)(B) [P]rior to the record's becoming a sealed record or a sealed adoption record pursuant to § 36-1-126, the adoption record may be disclosed as may be necessary for purposes directly related to the placement, care, treatment, protection, or supervision by the legal custodian, legal guardian, conservator, or other legally authorized caretaker of the person who is the subject of the adoption proceeding, or as may be necessary for the purposes directly related to legal proceedings involving the person who is subject to the jurisdiction of a court in an adoption proceeding or other legal proceeding related to an adoption, including terminations of parental rights, or as may otherwise be necessary for use in any child or adult protective services proceedings concerning the person about whom the record is maintained pursuant to titles 37 and 71.</p> <p>(6)(C) [For purposes of release of the records pursuant to §§ 36-1-127 — 36-1-141 without a court order pursuant to § 36-1-138, the adoption record shall not be construed to permit access to home studies or preliminary home studies or any information obtained by the department, a licensed or chartered child-placing agency, a licensed clinical social worker, or other family counseling service, a physician, a psychologist, or member of the clergy, an attorney or other person in connection with a home study or preliminary home study as part of an adoption or surrender or parental consent proceeding or as part of the evaluation of prospective adoptive parents, other than those studies that are expressly included in a report to the court by such entities or persons.]</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
36-1-111	Adoption	Tennessee Department of Children's Services (DCS), Juvenile Courts and Clerks	<p>(a)(3) All court reports [based upon the home study or preliminary home study for use in the surrender, or parental consent proceeding, or in the adoption] submitted under this subsection (a) shall be confidential and shall not be open to inspection by any person.</p> <p>(p)(2)(A) The original of the surrender executed before the court shall be entered on a special docket for surrenders and shall be styled: "In Re: (Child's Name)," and shall be permanently filed by the court in a separate file designated for that purpose maintained by the judge, or the judge's court officer, who accepted the surrender and shall be confidential and shall not be inspected by anyone without the written approval of the court where the file is maintained or by a court of competent jurisdiction with domestic relations jurisdiction if the file is maintained elsewhere.</p> <p>(p)(2)(B)(i) The original of the surrender executed before the persons authorized under subsections (h) and (i), or, in out-of-state correctional facilities under subsection (j), shall be maintained in a separate file designated for that purpose, which shall be confidential and shall not be inspected by anyone else without the written approval of a court with domestic relations jurisdiction where the file is maintained.</p> <p>(ii) For surrenders executed under subsection (j) in federal and state correctional facilities in Tennessee, the original shall be filed in a secure file in the office of the warden, which shall not be open to inspection by any other person.</p> <p>(q)(2) The surrender filed pursuant to subdivision (q)(1) shall be recorded by the court and shall be processed by the clerk as required by subdivision (p)(2)(A).</p> <p>(r)(2)(B) In order to preserve confidentiality, the court clerk or the court shall have a separate adoption order of guardianship minute book, which shall be kept locked and available for public view only upon written approval of the court.</p> <p>(r)(5) Any other court that receives a surrender or parental consent or in which a surrender or parental consent is filed pursuant to subsection (q) subsequent to the surrender shall, upon notification by the first court, send the original of the surrender or filed pleading to the first court and shall retain a certified copy of the original in a closed file, which shall not be accessed by any person without the written order of the court.</p>	<p>(a) All court reports submitted under this subsection (a) shall be confidential . . . except by order of the court entered on the minute book. The court shall, however, disclose to prospective adoptive parents any adverse court reports or information contained therein, but shall protect the identities of any person reporting child abuse or neglect in accordance with law.</p> <p>(p)(2)(A) Within five (5) days, a certified copy of the surrender shall be sent by the clerk or the court to the adoptions unit in the state office of the department in Nashville.</p> <p>(p)(2)(B) [A]fter ten (10) days from the date of the surrender, the original shall be sent to the adoptions unit in the state office of the department in Nashville and a copy shall be maintained by the warden.</p> <p>(r)(6)(D) A copy of the surrender, the motion and any resulting order shall be sent by the clerk to the adoptions unit in the state office of the department in Nashville, which shall record the surrender, the motion, and the order and their dates of filing and entry for purposes of tracking the child's placement status and the status of the adoption process involving the child.</p> <p>(v)(2) The prospective adoptive parents or entities from which the child was removed shall be necessary parties at the preliminary hearing and the final hearing, and the court may order the department or a licensed child-placing agency or licensed clinical social worker to provide any necessary information or court reports concerning the welfare of the child as it may require.</p> <p>(y)(3) Certified copies of all such surrenders and orders modifying any order of guardianship shall be sent by the clerk to the adoptions unit in the state office of the department in Nashville.</p>
36-1-116(e)	Adoption	Courts	<p>(2)(A) [The following] information shall be made a part of the adoption record, but shall be confidential and shall be placed in a sealed envelope within the court file or shall be filed in a protected electronically maintained file and shall remain under seal and shall not be open to inspection by any person or agency:</p> <ul style="list-style-type: none"> <li>• certified copy of the surrender and copies of the medical and social information obtained at the time of the surrender;</li> <li>• any court reports based upon home studies that were ordered by the adoption court.]</li> </ul> <p>(6) A protective order may be granted as well upon showing, by a preponderance of evidence, of good cause to restrict the information [court filings in adoption actions by public or private agencies or parties, offered as proof of parentage, termination of parental rights, or related to establishment or termination of guardianship when adoption court has ordered review by all parties to the case]. The protective order shall be drawn as narrowly as possible while still offering the protections the court found to be warranted.</p>	<p>(2)(A) [The records shall be open to the Department of Children's Services] or the licensed child-placing agency or licensed clinical social worker to which the order of reference is issued under this subsection (e), [or as directed] by written order of the court or as otherwise permitted under this part.</p>
36-1-118(e)(4)(B)(ii)	Parental rights	Juvenile Courts	<p>Except as otherwise provided by this part [1, chapter 1, title 36], all such records [relating to revocation of surrender or parental consent, dismissal of guardianship order or adoption petition, or custody or guardianship] shall remain confidential in the files of the juvenile court and shall not be open to any person.</p>	<p>[The records may be available to] the child's legal custodian or legal guardian, or pursuant to a written order of the court, or to the department that may be investigating a report of child abuse or neglect or that may be responding to an order of reference by the juvenile court, or to a law enforcement agency investigating a report of child abuse or neglect or that is investigating any crime involving the child.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
36-1-125	Adoption	Courts, Tennessee Department of Children's Services (DCS), Licensed Child-placing Agencies, Licensed Clinical Social Workers	(a) All adoption records [whether not yet under seal, sealed or unsealed for any reason], any post-adoption records, and any adoption assistance records are confidential and shall not be subject to disclosure except as provided in this part [1, Chapter 1, title 36].	<p>(b) Adoption records, home studies or preliminary home studies may be utilized by the judge of the court, by the clerk of the court, or by the DCS, or by a licensed child-placing agency or a licensed clinical social worker, in any act consistent with the litigation of the adoption, custody or guardianship proceedings involving a person in any court, or for the placement, study, or supervision of a person for whom an adoption or custody or guardianship proceeding is pending in any court, and which records may be necessary to carry out such judge's, clerk's, department's, agency's, or social worker's duties consistent with the law.</p> <p>(c) If any adoption records, sealed adoption records, sealed records, post-adoption records, adoption assistance records, home studies, preliminary home studies or information obtained in connection therewith are required by court order under this part to be disclosed for any legal proceeding other than the adoption proceeding or termination of parental rights proceedings, the court in which they are to be utilized shall enter a protective order to restrict their further disclosure or dissemination. Such records, studies, or information shall not become a public record in any legal proceeding.</p> <p>§ 36-1-120 (h) Notwithstanding the sealing and confidentiality of adoption records pursuant to this part, the clerk of the court in which adoption proceedings have occurred, upon being furnished verification of the identity of the requesting person, shall furnish to the adopted person, adoptive parents or their attorney or attorneys, upon their request at any time, certified copies of the final order of adoption or re-adoption or final orders dismissing such adoption proceedings. Nothing other than certified copies of the final order of adoption or re-adoption or final order dismissing such adoption proceedings shall be released pursuant to this subsection (h).</p> <p>§ 36-1-133: DCS shall provide to specified persons nonidentifying information about the adopted person and such person's biological or legal relatives.</p> <p>§ 36-1-134: Provision of information between parties.</p> <p>§ 36-1-135: Updated medical information.</p> <p>§ 36-1-138: Court orders for release of information</p> <p>§ 36-1-144: Information provided to adoptive family.</p>
36-1-126	Adoption, Surrender of parental rights	Courts, Tennessee Department of Health, Tennessee Department of Children's Services (DCS)	(a) All adoption records, court reports, home studies, preliminary home studies, other reports or other documents or papers or other information concerning the placement or attempted placement of a person for adoption, or other information concerning the litigation of the adoption or attempted adoption of a person, which information is in the office of the judge or clerk of the court where the adoption was filed or where the surrender or confirmation of parental consent or revocation of a surrender or parental consent was taken, or any such records, reports, or documents in the offices of a licensed child-placing agency, a licensed clinical social worker, or in the county, regional or state offices of the department of health, or in the county, district, and state offices of the department of children's services, shall be placed and remain under seal, except as provided herein or in § 36-1-118(e)(4), or in title 68, and shall be confidential and shall be disclosed only as provided in this part. [Only applies after entry of final order of adoption, final order dismissing the adoption, an order revoking the surrender or parental consent, or order dismissing, or at the conclusion of, a termination of parental rights proceeding filed in conjunction with an adoption, or upon conclusion of all termination of parental rights.]	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
36-1-127	Adoption	All	(a)(1) On March 16, 1951, . . . all records related to persons who had been adopted, all records concerning a person for whom any records were maintained and that may have related to an adoption or attempted adoption and that were treated by the department of human services, the former department of public welfare, the courts, the department of health, or any other information sources as a sealed record or sealed adoption record involving an adoption or attempted adoption of a person, became confidential, non-public records.	(b) [Effective January 1, 1996, records related to adoptions that were finalized prior to March 16, 1951, or were never completed due to the abandonment of any further necessary activity related to the completion of the adoption prior to March 16, 1951, or all records existing either before or after March 16, 1951, concerning a person who was subject to the care and supervision, or subject to placement for foster care of adoption by any agency described in subdivision (a) (3), and are in the offices of the clerk of the adoption court, the department of health, any child-placing agency (whether or not chartered or licensed), the department of children's services, or in any other information source shall be made available to specified eligible persons pursuant to subsection (b)(3).  Records related to adoptions that were finalized on or after March 16, 1951, shall be made available to eligible persons listed subsection (c)(1)(A). Records should not be released pursuant to subsection (c) if the situations in subsection (e) apply. Subsection (f) requires completion of a sworn statement that the requesting party shall not violate the contact veto and procedures.  Subsections (g) & (h) provide the specific process for requesting access and apply to both subsections (b) & (c).  Effective January 1, 1996, the basis for judicially-ordered opening of all records pursuant to part 1, chapter 1, title 36 shall be the provisions set forth in § 36-1-138 and any other relevant provisions of that part.]
36-1-304	Adoption	Tennessee Department of Children's Services (DCS)	(a) The department shall establish and maintain an advance notice registry. Notwithstanding any other law to the contrary, the advance notice registry shall not be considered part of the post-adoption record or any other record or paper subject to release under § 36-1-127(c), and the information contained in the advance notice registry shall be confidential.  (b) The advance notice registry shall include, but not be limited to, the following information:  (1) Name of each person who has duly filed an advance notice request;  (2) Address given by the person as the mailing address at which any postal contact by the department with the person should be made;  (3) Date and place of birth of the person filing with the advance notice registry;  (4) Persons or class of persons affected by the request; and  (5) Advance notice period.	
36-3-623	Domestic violence shelters and rape crisis centers	Domestic Violence Shelters, Rape Crisis Centers	The records of domestic violence shelters and rape crisis centers shall be treated as confidential by the records custodian of such shelters or centers.	[Records are not treated as confidential if:] (1) The individual to whom the records pertain authorizes their release; or  (2) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.
36-3-624(e)	Domestic abuse death	Interagency Domestic Abuse Death Review Team	An oral or written communication or a document shared within or produced by a domestic abuse death review team related to a domestic abuse death is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a domestic abuse death review team is confidential and not subject to disclosure or discoverable by a third party.	Notwithstanding the foregoing, recommendations of a domestic abuse death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of a domestic abuse death review team.



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
36-4-130	Mediation, Marriage		(a) When the parties to a divorce action mediate the dispute, the mediator shall not divulge information disclosed to the mediator by the parties or by others in the course of mediation. All records, reports, and other documents developed for the mediation are confidential and privileged.	(b) Communications made during a mediation may be disclosed only:  (1) When all parties to the mediation agree, in writing, to waive the confidentiality of the written information;  (2) In a subsequent action between the mediator and a party to the mediation for damages arising out of the mediation;  (3) When statements, memoranda, materials and other tangible evidence are otherwise subject to discovery and were not prepared specifically for use in and actually used in the mediation;  (4) When the parties to the mediation are engaged in litigation with a third party and the court determines that fairness to the third party requires that the fact or substance of an agreement resulting from mediation be disclosed; or  (5) When the disclosure reveals abuse or neglect of a child by one (1) of the parties.
36-6-107(b)(4)	Child abuse, Child custody, Identifying information	Courts	Where the court makes findings of child abuse or child sexual abuse under former § 36-6-106(a)(8), the court may only award visitation under circumstances that guarantee the safety of the child. In order to guarantee the safety of the child, the court may order: . . . [t]hat the address of the child and the non-perpetrating parent be kept confidential.	
36-6-224( e)	Child custody	Courts	If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public.	[The court may order the disclosure of identifying information] to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice. Nothing in this subsection (e) shall be construed to require sealing of any information or records maintained by the state or a local government except identifying information in a custody or visitation action brought under this part.
37-1-131(a)(2)(F)	Juvenile records, Student records	Local Education Agencies (LEA), Juvenile Courts, Schools	[When a court enters an order requiring notice to be given to a school principal in writing of the nature of the offense and probation requirements, if any, related to school attendance concerning a delinquent child, t]he information [regarding the nature of the offense and probation requirements (if any) and the plan setting out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals] shall be shared only with [persons specified in exception to exception]. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Notification in writing of the nature of the offense committed by the child and any probation requirements and the plan shall not become a part of the child's student record;.	The information shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section.
37-1-131(a)(2)(K)(ii)	Juvenile records, Student records	Local Education Agencies (LEA), Juvenile Courts, Schools	The information [given to the school principal that the child has completed an inpatient mental health treatment program and the transition plan which sets out a list of goals to provide the child an opportunity to succeed in school and provide for school safety, a schedule for completion of the goals and the personnel who will be responsible for working with the child to complete the goals] is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subdivision (a) (2)(K)(ii) shall not become a part of the child's student record; . . . If an information release is executed in compliance with § 33-3-109 that provides the principal or other designated school personnel access to certain information concerning the child, the principal or other designated school personnel may work with the child's mental health provider to develop this plan.	The information shall be shared only with employees of the school having responsibility for classroom instruction of the child,

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-1-136	Juveniles, Assessment report	Juvenile Courts	<p>(h) This section shall be limited in application to any assessment report or materials used in the creation of an assessment report in juvenile courts located in any county having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census.</p> <p>(a) All reports and materials compiled by the juvenile court in connection with an assessment report shall be confidential, shall not be public record, and shall not be disclosed, except as specifically authorized by this section. . . . Assessment reports and related materials shall not be subject to any court subpoena.</p> <p>(e) The materials, records, and assessment reports compiled by the juvenile court for use as discussed in this section are to be maintained separately from public court records. When a child who is the subject of such an assessment report reaches an age when they are no longer under the jurisdiction of the juvenile court, the assessment report and all materials used to compile the information in the assessment report in possession of the juvenile court shall be destroyed.</p>	<p>(b) Access to assessment reports and materials shall be granted to the following people, officials, or agencies only for the following limited purposes:</p> <p>(1) A court official or employee for the purpose of compiling information, administering assessment tools, preparing reports, and assisting children and families with accessing identified services and programs. The court official or employee may disclose relevant information, but not the actual assessment reports or materials, to professionals or other agency providers as needed to assist the child and family in accessing services and programs;</p> <p>(2) An attorney for the child to use in representing the child or a guardian ad litem for the child for use in representing the child's best interests; or</p> <p>(3) The child who is the subject of the assessment report and the child's parent or legal guardian.</p> <p>(c) A juvenile court judge, magistrate, or district attorney general may be provided with a limited report concerning a child adjudicated delinquent. The limited report may contain service recommendations developed from the assessment report for the purpose of reviewing the appropriateness of the recommendations.</p>
37-1-151(b)(4)(F)	Identifying information	Juvenile Courts	<p>Upon motion of either party, upon a showing of domestic violence or the threat of such violence, the court may enter an order to withhold from public access the address, telephone number, and location of the alleged victims(s) or threatened victims of such circumstances. The clerk of the court shall withhold such information based upon the court's specific order but may not be held liable for release of such information.</p>	
37-1-153	Juvenile court records, Expungement	Juvenile Courts	<p>(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:</p> <p>(1) The judge, officers and professional staff of the court;</p> <p>(2) The parties to the proceeding and their counsel and representatives;</p> <p>(3) A public or private agency or institution providing supervision or having custody of the child under order of the court;</p> <p>(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</p> <p>(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.</p> <p>(c) Notwithstanding the provisions of this section, if a court file or record contains any documents other than petitions and orders, including, but not limited to, a medical report, psychological evaluation or any other document, such document or record shall remain confidential.</p>	<p>(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:</p> <p>(1) The juvenile is fourteen (14) or more years of age at the time of the alleged act; and</p> <p>(2) The conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.</p> <p>(e) Notwithstanding other provisions of this section, where notice is required under § 49-6-3051, an abstract of the appropriate adjudication contained in the court file or record shall be made and provided to the parent, guardian, or other custodian of the juvenile, including the department, and this abstract shall be presented to the school in which the juvenile is, or may be, enrolled, in compliance with § 49-6-3051.</p> <p>[Pursuant to § 37-3-810(a) the Tennessee Second Look Commission may access information made confidential pursuant to chapter 1 of title 37.]</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-1-154	Juveniles, Law enforcement	Law Enforcement Agencies, Juvenile Courts	<p>(a) [L]aw enforcement records and files [related to proceedings within the jurisdiction of juvenile courts] shall not be open to public inspection or their contents disclosed to the public.</p> <p>(c) Notwithstanding the provisions of this section, if a court file or record contains any documents other than petitions and orders, including, but not limited to, a medical report, psychological evaluation or any other document, such document or record shall remain confidential.</p>	<p>(a) [Records are open if] 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. . . . [I]nspection of the records and files is permitted by: (1) A juvenile court having the child before it in any proceeding; (2) Counsel for a party to the proceeding; (3) The officers of public institutions or agencies to whom the child is committed; (4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and (5) A court in which such child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which such child is committed, or by a parole board in considering such child's parole or discharge or in exercising supervision over such child.</p> <p>(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: (1) The juvenile is fourteen (14) years of age or older at the time of the alleged act; and (2) The conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.</p> <p>(e) Notwithstanding other provisions of this section, where notice is required under § 49-6-3051, an abstract of the appropriate adjudication contained in the court file or record shall be made and provided to the parent, guardian, or other custodian of the juvenile, including the department, and this abstract shall be presented to the school in which the juvenile is, or may be, enrolled, in compliance with § 49-6-3051.</p> <p>[Additional exceptions are provided by §§ 37-1-131, 37-1-409, 37-1-612, 37-5-107 and 49-6-3051. Pursuant to § 37-3-810(a) the Tennessee Second Look Commission may access information made confidential pursuant to chapter 1 of title 37.]</p>
37-1-155	Juveniles, Fingerprints, Photographs, Audio and video recordings	Law Enforcement Agencies	<p>(b)(5) All [child] fingerprint and photograph records maintained pursuant to the authority of this section shall be confidential and used for law enforcement purposes only, or as otherwise permitted by law.</p> <p>(a)(1) Such fingerprint file and photograph shall only be accessible to law enforcement officers, except as provided in § 37-1-154, and shall be maintained separate and apart from adult fingerprint files. The custody and maintenance of those fingerprints and photographs shall be the responsibility of the agency taking the child into custody.</p> <p>(2) Law enforcement agencies shall not disclose such fingerprint or photograph files, except as permitted under § 37-1-154.</p> <p>(e)(3) [T]he photograph or recording [made as permitted in (e)(1) to be used as evidence] shall not be considered a public record and shall not be released to the public except by order of the court having jurisdiction over the charges brought against the juvenile.</p>	Except as permitted under § 37-1-154.
37-1-403(h)	Reports of harm, Identifying information	Hospitals, Clinics, Schools, Other organizations responsible for the care of children	[I]f any hospital, clinic, school or other organization responsible for the care of children develops a procedure for internally tracking, reporting or otherwise monitoring a report pursuant to this section, the identity of the person who made a report of harm pursuant to this section or § 37-1-605 shall be kept confidential.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-1-409	Reports of harm, Identifying information	All, Tennessee Department of Children's Services (DCS)	<p>(a)(1) Except as otherwise provided by this section and §§ 37-1-612 and 37-5-107, reports of harm and the identity of the reporter are confidential.</p> <p>(a)(2) Except as may be ordered by the juvenile court as herein provided, the name of any person reporting child abuse shall not be released to any person, other than employees of the department or other child protection team members responsible for child protective services, the abuse registry, or the appropriate district attorney general upon subpoena of the Tennessee bureau of investigation, without the written consent of the person reporting. Such person's identity shall be irrelevant to any civil proceeding and shall, therefore, not be subject to disclosure by order of any court.</p>	<p>(a)(1) [W]hen the juvenile court in which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to an indictment or conviction[, then identity of reporter can be disclosed].</p> <p>(c) In addition to such other purposes as may be directly connected with the administration of this part, the department shall also grant access to information to those persons specified in § 37-1-612.</p> <p>§ 37-1-403(d) Any person required to report or investigate cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report such suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report the medical examiner's findings, in writing, to the local law enforcement agency, the appropriate district attorney general, and the department. Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in § 37-1-409.</p> <p>See also § 37-5-107 regarding confidentiality of DCS records.</p>
37-1-506	Expungement	Tennessee Department of Children's Services (DCS)	<p>(b) Upon receipt of an order of expunction of the charge for which the child was placed on county probation, the department shall expunge that child's information from its records.</p> <p>(c) Upon receipt of an order of expunction of the charge for which the child received prevention services, the department shall expunge that child's information from its records.</p>	
37-1-506(a)	Identifying information, Juveniles	Council of Juvenile and Family Court Judges	[T]he council may require identifying information to be reported in order that the council may more accurately track recidivism rates and other pertinent trends relating to juveniles. Notwithstanding any law to the contrary, identifying information received by the council shall be confidential; shall not be published, released, or otherwise disseminated; and shall be maintained in accordance with state and federal laws and regulations regarding confidentiality. The council may publish data and make such data available to properly concerned agencies and individuals, or to any person upon request. Any such publication or release of data shall be limited to non-identifying information.	
37-1-605(d)	Reports of child abuse or sexual abuse	Child Care Agencies, Preschools, Nursery Schools, Kindergarten, Elementary Schools, Secondary Schools	<p>(2) [A]ll school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian [shall be] edited to protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure, and any information made confidential pursuant to federal law or § 10-7-504(a)(4).</p> <p>(3) For purposes of this subsection (d), "school" means any public or privately operated child care agency, as defined in § 71-3-501, preschool, nursery school, kindergarten, elementary school or secondary school.</p>	(2) The information and records described in this subdivision (d)(2) shall not include records of other agencies or departments.
37-1-607(a)(2)	Child protection, Investigations	Child Advocacy Centers	In those geographical areas in which a child advocacy center meets the requirements of § 9-4-213(a) or (b), child advocacy center directors, or their designees, shall be members of the child protective investigative teams under this part and part 4 of this chapter for the purposes of provision of services and functions established by § 9-4-213 or delegated pursuant to that section. In such event, child advocacy center directors, or their designees, may access and generate all necessary information, which shall retain its confidential status, consistent with § 37-1-612.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-1-612	Reports of child sexual abuse, Investigations	Tennessee Department of Children's Services (DCS), Juvenile Courts, Law Enforcement Agencies	<p>(a) In order to protect the rights of the child and the child's parents or other persons responsible for the child's welfare, all records concerning reports of child sexual abuse, including files, reports, records, communications and working papers related to investigations or providing services; video tapes; reports made to the abuse registry and to local offices of the department; and all records generated as a result of such processes and reports, shall be confidential and exempt from other provisions of law, and shall not be disclosed, except as specifically authorized by chapter 5, part 5 of this title, and parts 4 and 6 of chapter 1.</p> <p>(g) The name of any person reporting child sexual abuse shall in no case be released to any person.</p> <p>(e) The department may confirm whether a child sexual abuse investigation has been commenced, but may not divulge, except as permitted under this part, any details about the case, including, but not limited to, the name of the reporter, the alleged victim, or the alleged perpetrator.</p>	<p>(b) Disclosure may be made to persons and entities directly involved in administration of this part, including:</p> <p>(1) Department employees, medical professionals, and contract or other agency employees who provide services, including those from child advocacy centers, to children and families; and</p> <p>(2) The attorney or guardian ad litem for a child who is the subject of the records. Information shared with such persons and entities does not lose its character as confidential.</p> <p>(c) [A]ccess to such records, excluding the name of the reporter, which shall be released only as provided in subsection</p> <p>(g), shall be granted to the following persons, officials, or agencies for the following purposes:</p> <p>(1) A law enforcement agency investigating a report of known or suspected child sexual abuse;</p> <p>(2) The district attorney general of the judicial district in which the child resides or in which the alleged abuse occurred;</p> <p>(3) A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business;</p> <p>(4) Any person engaged in bona fide research or audit purposes. However, no information identifying the subjects of the report shall be made available to the researcher unless such information is absolutely essential to the research purpose, suitable provision is made to maintain the confidentiality of the data and the department has given written approval;</p> <p>(5) A court official, probation and parole officer, designated employee of the department of correction or board of probation and parole or other similarly situated individual charged with the responsibility of preparing information to be presented in any administrative or judicial proceeding concerning any individual charged with or convicted of any offense involving child abuse or neglect or child sexual abuse;</p> <p>(6) An attorney or next friend who is authorized to act on behalf of the child, who is the subject of the records, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator;</p> <p>(7) An attorney or next friend who is authorized to act on behalf of another child, who has been the victim of other abuse by the same perpetrator, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person or persons who may be responsible for the actions of the perpetrator against such other child; provided, however, that:</p> <p>(A) The name and identity of such other child shall be revealed only to the attorney or next friend of such other child, to the parties and to their respective counsel in the civil cause of action in which such damages or other remedies are sought, and to the trial judge who presides over the action;</p> <p>(B) An appropriate protective order must be entered prior to such disclosure; and</p> <p>(C) Before any attempt is made to introduce into evidence in the civil cause of action either the records or information obtained from the records, written consent must be obtained from:</p> <p>(i) Each parent or guardian having sole or joint custody of such other child, if the child has not yet attained the age of majority; or</p> <p>(ii) The former child, if such child has now attained the age of majority; and</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
				<p>(8) Members of the Tennessee claims commission, its staff and employees of the division of claims and risk management for the purpose of determining if:</p> <p>(A) A claim filed with the commission based on facts contained in the record constitutes a compensable criminal offense under the Criminal Injuries Compensation Act, compiled in title 29, chapter 13;</p> <p>(B) The offense alleged occurred; and</p> <p>(C) The claimant's injuries were the result of the offense.</p> <p>(d) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the sexual abuse.</p> <p>(g) The name of any person reporting child sexual abuse may be released to employees of the department or other child protection team members responsible for child protective services, the abuse registry, or the appropriate district attorney general upon subpoena of the Tennessee bureau of investigation without the written consent of the person reporting. This shall not prohibit the subpoenaing of a person reporting child sexual abuse when deemed necessary by the district attorney general or the department to protect a child who is the subject of a report; provided, that the fact that such person made the report is not disclosed.</p> <p>(h) For purposes directly connected with the administration of this part and part 4 of this chapter, the department may disclose any relevant information to the court, administrative board or hearing officer, the parties, or their legal representatives in any proceeding that may be brought in any court, or before any administrative board or hearing officer, for the purpose of protecting a child or children from child abuse or neglect or child sexual abuse. In the event of any disagreement between the department and any other parties as to what information should be disclosed, the court, administrative board or hearing officer may enter an order allowing access to any information that it finds necessary for the proper disposition of the case. The court, administrative board or hearing officer may order any information disclosed in such proceeding to be placed and kept under seal and not to be open to public inspection to the extent it finds it necessary to protect the child. This provision shall not be construed to allow any person to gain access to any identifying information about a child who is not the subject of the proceeding.</p>
37-1-705(d)	Juvenile court records	Juvenile Courts and Clerks	All records used in, or otherwise related to, teen court proceedings shall be confidential to the full extent provided by current law, except as necessary to permit functioning of the teen court. Nothing contained in this section shall, in any manner, alter the confidentiality of records or proceedings under current juvenile court law.	
37-2-408(a)	Foster care	Tennessee Department of Children's Services (DCS), Foster Care Review Boards	All records, reports, permanency plans, reviews and reports of the foster care review boards or any material prepared in connection with the planning, placement or care of a child in the care or custody of the department of children's services or in foster care with any agency or person pursuant to this part, shall be confidential and shall not be a public record.	[The records] shall be disclosed only for the purposes directly related to the administration of this part, or as permitted pursuant to the provisions of § 37-1-409 or § 37-1-612, or as otherwise determined by the department of children's services to be reasonably necessary or reasonably required and as directly related to the provision of any services needed by the child.
37-2-411(b)	Foster care, Identifying information	Tennessee Department of Children's Services (DCS)	All personal information and records obtained by the department pursuant to this section [in the preparation and issuance of an annual report on foster care in Tennessee] shall be confidential and may not be disclosed in this report in a way that could identify any individual, adult or child, in foster care or receiving assistance from the department or other child care agency.	
37-2-414(b)(3)(C ) (iii)	Criminal history background check, Foster care	Tennessee Department of Children's Services (DCS)	[DCS] shall maintain the confidentiality of the [TBI] investigation results and shall use the results only for purposes of determining a person's eligibility to become a kinship foster parent.	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-2-415(c )(2)	Foster care	Tennessee Department of Children's Services (DCS)	All information [shared with foster parent regarding (A) certain pending petitions or adjudications of delinquency; (B) behavioral issues; (C) history of abuse; (D) special needs; and (E) current infectious diseases] shall remain confidential and not subject to disclosure to any person by the foster parent.	
37-3-810	Confidential information, Meetings, Investigations	Tennessee Second Look Commission	(b)(1) Except as provided in subsection  (c), investigatory meetings of the commission shall not be subject to title 8, chapter 44, part 1 and shall be closed to the public. Any minutes or other information made confidential pursuant to state or federal law and generated during an investigatory meeting shall be sealed from public inspection; provided that the commission shall comply with subsection (c).  (c) Notwithstanding subsection  (b), the commission shall conduct meetings that are open to the public to periodically make available, in a general manner that does not reveal information made confidential pursuant to state or federal law, the aggregate findings of its reviews and its recommendations.  (d) All information made confidential pursuant to state or federal law acquired by the Commission in the exercise of its duties  (1) remains confidential after being acquired by the Commission;  (2) is not subject to discovery or introduction into evidence in any criminal or civil proceedings; and  (3) may only be disclosed as necessary to carry out the purposes of part 8 of chapter 3, title 37.	(e) A person is not prohibited from testifying in a civil or criminal action about matters within such person's knowledge that was obtained independently from any commission meeting.
37-4-101	Juveniles	Interstate Commission for Juveniles	Article III.H. The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.	
37-5-105(15)	Identifying information	Tennessee Department of Children's Services (DCS)	Any child-specific information [included in reports of child maltreatment and the criminal, civil or administrative disposition of all allegations, by type, of child maltreatment and, by type, of disposition, including data regarding the victims and the perpetrators, collected by DCS] shall be confidential, except as otherwise provided by statute.	
37-5-106(a)(22)(B)	Identifying information	Tennessee Department of Children's Services (DCS)	The identity of any individual who reports to or participates in the reporting system [regarding the safety of those served by DCS and of DCS employees] shall:  (i) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the department's confidential records under this title;  (ii) Not be subject to discovery or introduction into evidence in any civil proceeding.	The identity of any individual who reports or participates in the reporting system shall (iii) be disclosed only as necessary to carry out the purposes of the reporting system.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-5-107	Identifying information, Reports of Harm, Juveniles	Tennessee Department of Children's Services (DCS)	(a) All applications, certificates, records, reports and all legal documents, petitions and records made or information received pursuant to this title that directly or indirectly identify a child or family receiving services from the department or that identify the person who made a report of harm pursuant to § 37-1-403 or § 37-1-605 shall be kept confidential and shall not be disclosed, except as provided by this section [37-5-107] and §§ 37-1-131, 37-1-409, 37-1-612 and 49-6-3051	<p>(e) Any person or entity, including the commission on children and youth, provided access to records under section 37-5-107 shall be required to maintain the records in accordance with state and federal laws and regulations regarding confidentiality. Violation is Class B misdemeanor.</p> <p>(i) Release or disclosure of the identification of the person making a report of harm in accordance with § 37-1-403 permitted only upon court order [(c)(2)].</p> <p>[(b) DCS may use or release information:</p> <ol style="list-style-type: none"> <li>1. to provide services to the child and</li> <li>2. to person providing system or program evaluation.</li> </ol> <p>(c) DCS shall release information:</p> <ol style="list-style-type: none"> <li>1. to TN child abuse or fatality review teams;</li> <li>2. upon court order to LEA, grand jury, or court;</li> <li>3. upon written request to governmental entity to carry out responsibility re protecting child from abuse and neglect in compliance with 42 U.S.C. § 5106a(b)(2)(ix);</li> <li>4. for public disclosure as required by 42 U.S.C. § 5106a(b)(2)(x); special release for "near fatality" &amp; redaction of file;</li> <li>5. to a person providing system or program evaluation at request of DCS;</li> <li>6. to the Commission of Children and Youth pursuant to TCA Section 37-3-103; and</li> <li>7. upon written request, release records to person who is subject of report and parent/guardian of child not perpetrator or involved/responsible for alleged actions.; records must remain confidential.</li> </ol> <p>(d) DCS shall to disclose records and information to members of the general assembly pursuant to specified procedures.]</p>
37-5-512(a)(3)	Investigations, Licensure	Tennessee Department of Children's Services (DCS), Tennessee Department of Education, Tennessee Department of Human Services (DHS)	<p>(B) For purposes related to that determination and any appropriate licensing or approval action, the departments of education and human services shall be permitted access to the department of children's services' records; provided, that any information contained in any record of the departments of education or human services, or records relating to the investigation of the report of harm by the department of children's services shall be confidential.</p> <p>(C) Nothing herein shall be construed to permit the release of the name or identifying information of any person reporting child abuse or neglect under chapter 1, part 4 or 6 of this title [37].</p>	<p>(C) For purposes of this subdivision</p> <p>(a)(3), the rules of the department of children's services concerning release procedures for due process purposes shall apply to the release procedures of the departments of education and human services regarding perpetrators of child abuse validated by the department of children's services.</p> <p>(B) Information shall be released:</p> <p>(i) Only in the proceedings concerning any certification, licensing or approval action or injunctive action by the department of education or human services permitted by title 49, chapter 1, part 11, or title 71, chapter 3, part 5;</p> <p>(ii) As otherwise permitted by the restrictions and conditions for the release of confidential records of the department of children's services pursuant to title 4 and chapter 1, part 4 or 6 of this title [37];</p> <p>(iii) As otherwise permitted by the department of children's services' regulations concerning procedures for release of information of validated perpetrators of child abuse; or</p> <p>(iv) Notwithstanding any other law to the contrary, including any provisions related to expunction of records under title 40, the limited release of confidential records pursuant to this section shall not alter the confidential character of such records, which shall be maintained, as necessary, to protect children.</p>



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
37-10-304	Abortion, Juveniles	Juvenile Courts and Clerks	<p>(b) The court shall ensure that the minor's identity is kept anonymous. The minor shall be allowed to proceed under a pseudonym and shall be allowed to sign all documents, including the petition [for an abortion], by that pseudonym. In any proceedings involving the use of a pseudonym by the minor, the court shall require one (1) copy of the petition to be filed, under seal, that contains the true name of the minor. This copy of the petition shall be kept in a separate file, under seal, and shall not be available for inspection by anyone, except as provided in subsection (h).</p> <p>(f) A court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record of the evidence be maintained.</p> <p>(h) All court files, documents, exhibits, and all other records lodged in or subject to the control of the court shall be kept confidential and under seal. However, no information shall be released for these purposes that would tend to identify any minor who has made use of this procedure.</p>	(h) Statistical summaries of these proceedings may be compiled for such reporting purposes as the supreme court may by rule require or allow.
38-1-304	Identifying information, Statutory rape	Juvenile Courts and Clerks, Law Enforcement Agencies	Reports [of pregnancy believed to be indicative of statutory rape] made under this part, and the identity of the person filing the report, are confidential.	Except when the court having jurisdiction determines the testimony of the person reporting to be material to an indictment or conviction.
38-1-402(d)	Report of animal cruelty, abuse or neglect	Law Enforcement Agencies	Nothing in this part shall expand or limit confidentiality requirements under existing law relative to child or adult protective services. The name of any employee of a child or adult protective services agency who reports known or reasonably suspected animal cruelty, abuse or neglect shall remain confidential.	
38-6-106(c)	Background investigations	Tennessee Bureau of Investigation (TBI), Nominating Commission; Governor, Tennessee General Assembly, Tennessee Supreme Court	All confidential information reported [by TBI] to the governor, speaker of the senate, speaker of the house, or chief justice pursuant to subsection (b) [concerning any person who has asked or agreed to be considered by the governor, speaker of the senate, speaker of the house of representatives or chief justice for appointment to a position of trust and responsibility, including, but not limited to, positions relating to homeland security] shall remain confidential. Any background investigation [of TBI Director candidates] requested by a nominating commission appointed pursuant to § 38-6-101 [from TBI, federal government or private entity], and any background investigation delivered to the governor by the commission, shall be treated as confidential.	
38-6-106(d)	Job applications, State employees	Tennessee Bureau of Investigation (TBI) Nominating Commission	The Commission appointed pursuant to § 38-6-101 is authorized to contract with a private entity [to recruit and screen applicants for TBI Director]. Names of applicants and related records shall remain confidential, except to the extent such records are received by the commission.	[When applicant names and records are received by Commission and Governor, the information has the same protections under § 10-7-504 as a state employee or applicant.]
38-6-106(g)	Background investigations	Tennessee Bureau of Investigation (TBI), Chair of Standing Committee of the Tennessee General Assembly	Any report [background investigation of any gubernatorial appointee to the position of judge of the supreme court, court of appeals, or court of criminal appeals whose appointment will be considered by the committee as provided in § 17-4-102] provided to the chair of the [standing committee pursuant to § 17-4-102] shall be treated as a confidential record that is not open to public inspection.	
38-6-118(d)	Criminal offender and pretrial diversion database	Tennessee Bureau of Investigation (TBI)	Except for the purpose of certifying to judges and district attorneys general the information required in subsection (b), the expunged criminal offender and pretrial diversion database created by this section is not a public record and shall be maintained as confidential by the [TBI]	[TBI] shall forward all information on expunction orders to the administrative office of the courts for the sole purpose of ensuring the expunction of records from the databases maintained pursuant to §§ 16-1-117 and 16-3-803(i).
38-6-120	Fees	Tennessee Bureau of Investigation (TBI)	TBI can charge \$29.00 for criminal history record	
38-7-110(c)	Medical records, Investigations (law enforcement), Post mortem examinations, Autopsies, Toxicology reports	State, Counties, Municipalities	Medical records of deceased persons, law enforcement investigative reports, and photographs, video and other images of deceased persons shall not be public records.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
38-7-110(d)	Post-mortem examinations, Toxicology reports, Autopsies	Tennessee Department of Health - Post-Mortem Examination Division, County Medical Examiner or Coroner	<p>(1) Upon written petition by the district attorney general, supported by affidavit or testimony under oath from a law enforcement officer that the release of portions of a report of a county medical examiner, toxicological report or autopsy report may seriously impede or impair the investigation of a homicide or felony, a court of record may order that those portions shall not be subject to disclosure as a public document and shall remain confidential. The court shall cause a record to be kept of any testimony given in support of the petition, which record and all related documentation shall be sealed by the court and open to inspection only by a court reviewing the proceedings.</p> <p>(2) The court shall order to be held as confidential only those portions of the records the release of which would impede or impair any such investigation.</p>	<p>(d)(2) The court may order public disclosure of any record that has previously been protected from disclosure, upon written application of the district attorney general; provided, that the court shall order that the records shall be open to public inspection upon the indictment and arrest of all suspects in the underlying homicide or felony, or upon the closure of the investigation into the underlying homicide or felony. Upon any such closure of the investigation, the law enforcement agency shall immediately inform the district attorney general, who shall, in turn, promptly notify the court of the altered status of the investigation.</p> <p>(3) Any person aggrieved by an order directing that any portion of a report of a county medical examiner, toxicological report or autopsy report shall remain confidential and not open for public inspection may petition the court having entered the order to set aside or modify the order. A copy of any such petition shall be served on the district attorney general. The court may order disclosure of the records previously sealed, upon the showing of a compelling reason for the disclosure. In any order granting a petitioner access to any such records, the court may make provisions as it deems necessary in the order limiting further disclosure of the records.</p> <p>(4) Nothing in this subsection (d) shall be construed as limiting the right of any defendant in any criminal proceeding to obtain discovery of any report of a county medical examiner, toxicological report or autopsy report as provided in Rule 16 of the Tennessee Rules of Criminal Procedure.</p>
38-14-101	Criminal history background check	State, Counties, Municipalities	<p>Crime Prevention and Privacy Compact. Article IV. (c) Procedures. Any record obtained under this compact may be used only for the official purposes for which the record was requested. Each compact officer shall establish procedures, consistent with this compact, and with rules, procedures, and standards established by the council under Article VI, which procedures shall protect the accuracy and privacy of the records, and shall:</p> <p>(1) Ensure that records obtained under this compact are used only by authorized officials for authorized purposes;</p> <p>(2) Require that subsequent record checks are requested to obtain current information whenever a new need arises; and</p> <p>(3) Ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official.</p>	
39-13-313(d)	Human trafficking resource center hotline	Tennessee Bureau of Investigation (TBI)	All calls made to the human trafficking resource center hotline, the content of any conversation thereon and the telephone number from which the call was made is confidential, is not an open record and not available for public inspection.	Except by order of a court of competent jurisdiction when necessary in a pending criminal investigation.
39-14-144(f)	Shoplifting settlement agreements (minors)	Courts, District Attorneys General	If a written agreement is entered into between the merchant and the person [who (or the parent or guardian if a minor) willfully took possession of merchandise from a retail merchant with the intent to convert the merchandise to personal use without paying the purchase price] responsible for damages and penalties pursuant to this section concerning the liability of the person and the payment of the damages and penalties, the agreement and the contents of the agreement shall remain confidential as long as the parties to the agreement continue to adhere to its terms.	[Agreement is open if parties fail to adhere to terms.]
39-14-145(c)	Shoplifting settlement agreements	Courts, District Attorneys General	If a written agreement is entered into between the merchant and the person responsible for damages and penalties pursuant to this section concerning the liability of the person and the payment of the damages and penalties, the agreement and the contents thereof shall remain confidential as long as the parties to the agreement continue to adhere to its terms.	[Agreement is open if parties fail to adhere to terms.]
39-15-202(a)	Abortion	All, Medical Providers	Such [informed written] consent [by a pregnant woman to the performance of an abortion] shall be treated as confidential.	
39-15-203(d)	Abortion	Tennessee Department of Health	Each record and report made pursuant to the section [by a physician regarding the performance of an abortion] shall be confidential in nature and shall not be public record open for inspection.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
39-15-210(c )	Abortion	Law Enforcement Agencies	(c)(1) In the transmission of the embryonic or fetal tissue sample [extracted during the abortion on a minor who is less than thirteen (13) years of age] to the appropriate law enforcement officer, in order to protect the identity and privacy of the minor, all identifying information concerning the minor shall be treated as confidential and shall not be released to anyone other than the investigating and prosecuting authorities directly involved in the case of the particular minor.  (2) Where the minor has obtained a judicial waiver of the parental notification requirements pursuant to title 37, chapter 10, part 3, confidentiality shall be maintained as provided in that part.	
39-17-436(e)	Names on drug registry	Tennessee Bureau of Investigation (TBI)	The Tennessee bureau of investigation shall remove from the drug registry the name and other identifying information of persons who are convicted of a violation of the offenses described in subsection (a) ten (10) years after the date of the most recent conviction.	
39-17-1309(e)(11) (B)(ii)	Employees, Handguns	Higher Education Institutions, Law Enforcement Agencies	The employee's name and any other information that might identify the employee as a person who has elected to carry a handgun pursuant to subdivision (e)(11) shall be confidential, not open for public inspection, and shall not be disclosed by any law enforcement agency with which an employee registers.  Identifying information about the employee collected pursuant to subdivision (e)(11) shall not be disclosed to any person or entity other than another law enforcement agency and only for law enforcement purposes.	[T]he employee's name and other information may be disclosed to an administrative officer of the higher education institution who is responsible for school facility security; provided, however, that the administrative officer is not the employee's immediate supervisor or a supervisor responsible for evaluation of the employee. An administrative officer to whom such information is disclosed shall not disclose the information to another person.
39-17-1316(j)	Firearms	Tennessee Bureau of Investigation (TBI)	Upon the determination that receipt of a firearm by a particular individual would not violate this section, and after the issuance of a unique identifying number for the transaction, the Tennessee bureau of investigation shall destroy all records [except the unique identifying number and the date that it was assigned] associating a particular individual with a particular purchase of firearms.	
40-6-304(f)	Wire tap recordings	All, Law Enforcement Agencies	(1) All recordings of wire, oral or electronic communications [intercepted by any means authorized by this part or §§ 39-13-601 -- 39-13-603] shall be treated as confidential and shall not be open for inspection by members of the public. . . . All duplicate recordings or written transcripts shall be treated as confidential and shall not be open for inspection by members of the public. . . . All wire, oral or electronic communications that are not disclosed while giving testimony retain their confidential character and shall not be open for inspection by members of the public. Immediately following duplication or use while giving testimony, the recordings shall be returned to the judge issuing the order and resealed under the judge's direction.  (2) Applications made and orders granted under this section shall be treated as confidential and shall not be open for inspection by members of the public. Applications and orders shall be sealed by the judge and custody shall be wherever the judge directs.	(1) Upon an order of the issuing judge, the contents of any wire, oral or electronic communication may be unsealed and used while giving testimony, pursuant to § 40-6-306(c). The presence of the seal provided for by this subsection (f), or a satisfactory explanation for the absence of the seal, shall be a prerequisite for the use or disclosure of the contents of any wire, oral or electronic communication or evidence derived therefrom under § 40-6-306(c).  (2) The applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
40-12-209	Grand jury proceedings	Investigative Grand Juries, District Attorneys General	<p>(a)(1) No person who by virtue of the person's official position has knowledge of the filing of an application for consent, the action of the committee [comprised of two (2) members of the district attorneys general conference and the attorney general and reporter for consent to file a petition to have an investigative grand jury convened to consider the matters specified in the application] on the application, the filing of a petition to convene an investigative grand jury, or any action on the petition, shall disclose that knowledge except in accordance with this section.</p> <p>(2) All written records of applications, committee action, petitions and orders are declared to be confidential and subject to disclosure only in accordance with this section.</p> <p>(3) A grand juror, an interpreter, a stenographer, a typist who transcribes recorded testimony, a district attorney general or any person to whom disclosure is made pursuant to this section, § 40-12-210 or § 40-12-212 shall not disclose matters occurring before the grand jury except in accordance with those sections. No obligation of secrecy may be imposed on any person except in accordance with this section.</p>	<p>(b) Disclosure . . .of documents and proceedings before a grand jury convened under this part may be made to:</p> <p>(1) The district attorney general for use in the performance of the district attorney general's duty; and</p> <p>(2) Government personnel . . . deemed necessary by the district attorney general to assist the district attorney general in the performance of the district attorney general's duties.</p> <p>(c)(1) [Such persons] shall not utilize those documents or proceedings for any purpose other than assisting the district attorney general in the performance of the district attorney general's duties.</p> <p>(2) The district attorney general shall promptly notify the judge convening the grand jury pursuant to this part of the names of all persons to whom disclosure of grand jury documents or proceedings is made and shall certify that the district attorney general has advised the person of the person's obligation of secrecy under this part.</p> <p>Tenn. R. Crim. P. Rule 6 (k) Secrecy of Proceedings; Exception.(1) Grand Jury Proceedings Secret. Every member of the grand jury shall keep secret the proceedings of that body and the testimony given before it, except as provided in Rule 6(k)(2) [Exception to Rule of Secrecy. The court may require a grand juror to reveal the testimony of a grand jury witness: (A) to ascertain whether the grand jury testimony is consistent with that given by the witness before the court; or (B) to disclose the grand jury testimony of any witness charged with perjury.]</p>
40-28-119(c)	Parole, Employees	Tennessee Board of Parole	The board [or parole] may make rules, as it deems proper, as to the privacy of the record [which may include social, physical, mental, psychiatric and criminal information for every inmate considered for or released] and of the records of its employment bureau, and their use by others than the board and its staff.	
40-28-401	Adult offenders	Interstate Commission for Supervision of Adult Offenders	<p>Compact Article VI.5 The Interstate Commission's by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records [related to supervisio of adult offenders] available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.</p> <p>Article II.I. "Offender" means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.</p>	<p>Compact Article VI.5 In promulgating such rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to non-disclosure and confidentiality provisions.</p>
40-28-504(b)	Victim impact statements	Tennessee Board of Parole	Written victim impact statements shall not be made available to the public and shall be considered confidential.	
40-28-505(h)	Identifying information	Tennessee Board of Parole	<p>(1) Any identifying information concerning a crime victim or a crime victim's representative who has been notified or requested that notification be provided to the victim or the victim's representative pursuant to this section shall be confidential.</p> <p>(2) "[I]dentifying information" means the name, home and work addresses, telephone numbers and social security number of the person being notified or requesting that notification be provided.</p>	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
40-32-101	Expungement	State, Counties, Municipalities, Courts,	<p>(a) All public records of a person who has been charged with a misdemeanor or a felony shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person [upon certain events].</p> <p>(f)(1) All public records of a person who has been charged and convicted with a misdemeanor or felony while protesting or challenging a state law or municipal ordinance whose purpose was to maintain or enforce racial segregation or racial discrimination shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person, [upon certain events].</p> <p>(b)(1) "Public records," for the purpose of expunction only, does not include arrest histories, investigative reports, intelligence information of law enforcement agencies, or files of district attorneys general that are maintained as confidential records for law enforcement purposes and are not open for inspection by members of the public and shall also not include records of the department of children's services or department of human services that are confidential under state or federal law and that are required to be maintained by state or federal law for audit or other purposes. (2) "Public records", for the purpose of expunction only, does not include appellate court records or appellate court opinions.</p>	(c)(2) This section shall not be construed to deny access to any record to the comptroller of the treasury . . . for purposes of audit investigation . . . [who] shall protect the confidential nature of the records that are not otherwise public under other statutes.
40-35-205(b)	Investigations	Tennessee Department of Correction	With the concurrence of a defendant, a court may direct the presentence service officer [appointed by the commissioner of the department of correction] to begin the presentence investigation before the adjudication of the guilt of the defendant. Nothing discovered by the presentence investigation may be disclosed to the district attorney general, the court or the jury before acceptance of a plea of guilty or a verdict or finding of guilty unless the defendant concurs. If the presentence investigation is begun before the adjudication of guilt, the information discovered shall be disclosed to the defendant or defendant's counsel, upon request, after the court's acceptance of a plea of guilty or a verdict or finding of guilt.	
40-36-302(f)	Community based program notices	County and Municipal Law Enforcement Agencies	The notices [including the identity, criminal record and location of the alternatively sentenced criminal offenders from a community-based program set out in subsection (a) that provides housing for alternatively sentenced criminal offenders sent to the chief law enforcement officer(s) of the county and of the municipality in which the housing facilities exist] shall be in compliance with the confidentiality provisions of title 33 and shall also meet the privacy requirements of the federal Health Insurance Portability and Accountability Act of 1996, compiled in 42 U.S.C. § 1320d et seq.	
40-38-111(i)	Identifying information	District Attorneys General, Courts, Law Enforcement Agencies	<p>(1) Any identifying information concerning a crime victim obtained pursuant to this section [of the Victims' Bill of Rights] shall be confidential.</p> <p>(2) "[I]dentifying information" means the name, home and work addresses, telephone numbers and social security number.</p>	
40-38-114(b)	Information provided to victim by DA	District Attorneys General	The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed.	
40-39-206(e)	Juveniles, Sexual offenders	Tennessee Bureau of Investigation (TBI)	[I]nformation concerning a violent juvenile sexual offender set out in [§ 40-39-206(d) placed on the TBI sex offender registry] shall be confidential.	Except as otherwise provided under § 40-39-207(j) and any other provision of law.
40-39-207	Sexual offenders	Tennessee Bureau of Investigation (TBI)	[Records previously public shall be removed from the Sexual Offender Registry upon court order when an individual files a request for termination or if the offense is expunged.]	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
41-1-121	Employees, Drug tests	Tennessee Department of Correction	<p>(c) The commissioner shall require precautionary measures to ensure the confidentiality of all [drug screening and confirmatory] testing information and results and shall not release any testing information to anyone other than the tested employee without written permission of the tested employee.</p> <p>(d) If confirmatory tests verify the use of a controlled substance or controlled substance analogue affecting the employee's job performance pursuant to subsections (a), (b) and (c), the commissioner shall be empowered to take appropriate disciplinary action based only upon the employee's job performance and pursuant to title 8, chapter 30. The commissioner shall provide employee counseling and rehabilitation with reasonable accommodation and support of the rehabilitation program. Following successful completion of a rehabilitation program and two (2) years of unimpaired job performance, any reference to testing or rehabilitation shall be expunged from any and all records. Reasonable efforts shall be made to safeguard the privacy of any employee required to enroll in a rehabilitation program.</p> <p>(e) If the initial or confirmatory test results are negative, any information, including the results of the test, shall be expunged from all files and records after being made available to the tested employee.</p>	
41-7-109(e)	Employees, Criminal history background check	Tennessee Corrections Institute	The results of such a criminal history background check [on a potential employee] shall not be considered a record open to the public, pursuant to title 10, chapter 7, part 5.	
41-21-408(b)	Employees, Inmates	Tennessee Department of Correction	If the release of the information [regarding an act of violence committed by or against any guard, employee or inmate] would endanger or compromise the security of any inmate or the security of the institution, the warden or chief administrative officer shall have the discretion to classify the information and maintain the confidentiality of the information.	
41-51-102(e)	Inmate medical information, Infectious diseases	Tennessee Department of Correction, Any Person	This section does not authorize the release of confidential information to members of the public in violation of § 10-7-504. For the purposes of this section, any person [who may have been exposed to a serious or life-threatening disease or pathogen] informed of the results of any inmate's test for infectious diseases shall treat the information received as confidential.	
41-51-103(b)	Inmate medical information, Infectious diseases	Tennessee Department of Correction, Any Person	This section does not authorize the release of confidential information to members of the public in violation of § 10-7-504. For the purposes of this section, any person [collecting the dead body of an inmate and the funeral home to which the dead body is carried] informed of the results of any inmate's test for infectious diseases shall treat the information received as confidential.	
43-35-101	Dairy information	Tennessee Department of Agriculture, Southern Dairy Compact Commission	Article VI, § 15 (b) Information furnished to or acquired by the [Southern Dairy Compact] commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section.	<p>Nothing in this section shall be deemed to prohibit:</p> <p>(1) The issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person; or</p> <p>(2) The publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.</p>
45-1-117(f)(3)	Employees, Criminal history background check	Tennessee Department of Financial Institutions	The department shall maintain the confidentiality of all criminal history records information received pursuant to a check as condition of employment.	
45-1-120(a)	Financial institutions, Departmental records	Tennessee Department of Financial Institutions	No information from the records of the department shall be revealed without the consent of the commissioner.	<p>Information may be revealed with the consent of the commissioner.</p> <p>§45-18-112 authorizes the Commissioner to disclose information obtained pursuant to chapter 18, the Check Cashing Act to certain governmental agencies as deemed proper.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
45-1-126	Banks, Savings and loan associations	Tennessee Department of Financial Institutions	<p>(b)(1) Compliance review documents are confidential and are not discoverable or admissible in evidence in any civil action arising out of matters evaluated by the compliance review committee; and</p> <p>(b)(2) Compliance review documents delivered to a federal or state governmental agency remain confidential and are not discoverable or admissible in evidence in any civil action arising out of matters evaluated by the compliance review committee.</p> <p>(a)(2) "Compliance review documents" means documents prepared for or created by a compliance review committee.</p>	(c) Subsection (b) does not apply to any information required by statute or regulation to be maintained by or provided to a governmental agency while the information is in the possession of the governmental agency to the extent applicable law expressly authorizes its disclosure.
45-2-103(a)(3)(C)	Banks	Tennessee Department of Financial Institutions	Information obtained by the Commissioner [of Financial Institutions under § 45-2-103 related to control of a bank] is confidential and is subject to the confidentiality requirements contained in § 45-2-1603.	
45-2-614(b)	Regulatory ratings	Tennessee Department of Financial Institutions	For purposes of this subsection (b), "regulatory rating" means a confidential regulatory rating established, assigned or accepted, pursuant to agreement with a federal regulatory agency, by the department to assess the condition of the bank. The rating shall at all times remain confidential.	
45-2-1603	Banks, Examinations	Tennessee Department of Financial Institutions	(a) Information obtained by the department of financial institutions in making an examination into the affairs of the bank shall be for the purpose of ascertaining the true condition of the affairs of the bank, shall be privileged and confidential, shall not be subject to subpoena, and shall not be disclosed by the party making the examination to any person	<p>(a) The Commissioner is authorized to make the following disclosures from reports of examination:</p> <p>(1) Within the department in the course of official duties;</p> <p>(2) To the federal deposit insurance corporation as provided in § 45-2-804 and to the federal reserve board, or its duly authorized representative, as provided in § 45-2-505;</p> <p>(3) To the federal reserve board, or its duly authorized representative, in the case of an application to form a bank holding company if the principal affiliate bank to be acquired is a state bank or to the federal reserve board in any other circumstance when the commissioner believes that disclosure is in the interest of sound banking regulation;</p> <p>(4) To the United States comptroller of the currency, or the comptroller's duly authorized representative, in the case of an application of a state bank for conversion to a national charter or to the comptroller in any other circumstance when the commissioner believes that disclosure is in the interest of sound banking regulation;</p> <p>(5) To the United States department of justice, federal bureau of investigation, state district attorneys general, Tennessee bureau of investigation or the attorney general and reporter in the case of any suspected criminal violations discovered during the course of an examination;</p> <p>(6) In any administrative proceeding or court action filed by the commissioner or the department to which the commissioner is an actual party;</p> <p>(7) To the directors of a state bank as provided in § 45-2-1602;</p> <p>(8) The comptroller of the treasury or the comptroller's designee for the purpose of an audit of the department of financial institutions;</p> <p>(9) The state treasurer and commissioner of finance and administration pursuant to § 9-4-402;</p> <p>(10) To other state financial institutions regulatory agencies;</p> <p>(11) To the federal consumer financial protection bureau, federal trade commission, United States department of labor and the securities and exchange commission, or their duly authorized representative, when the commissioner believes that disclosure is in the best interest of sound banking regulation;</p> <p>(12) The department of commerce and insurance; and</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
				<p>(13) The United States department of justice, federal bureau of investigation, state district attorneys general, Tennessee bureau of investigation, state attorney general and reporter, internal revenue service, Tennessee office of homeland security, United States department of the treasury and the financial crimes enforcement network for purposes of information sharing to promote enforcement of and compliance with the Bank Secrecy Act, codified at 12 U.S.C. § 1829b, 12 U.S.C. §§ 1951-1959, and 31 U.S.C. §§ 5311-5332.</p> <p>(e) [The commissioner may, when under a validly issued subpoena, waive the privilege and produce bank examination reports and other documents under the provisions of a protective order.]</p> <p>(f) Confidential information regarding insurance, securities and investment functions of financial institutions, and known or suspected violations of the insurance, banking or securities laws, may be shared among the departments of financial institutions and commerce and insurance, the district attorneys general for the respective counties, the Tennessee bureau of investigation and the attorney general and reporter. Information disclosed by the commissioner under this section shall not become matters of public record by virtue of the disclosure absent a waiver by the commissioner, or a protective order as provided for in this section.</p>
45-2-1717(c)	Confidential information, Banks, Tennessee Securities Act	Tennessee Attorney General and Reporter, Tennessee Bureau of Investigation (TBI), District Attorneys General	Confidential information that is communicated by the commissioner pursuant to this section [violations of banking and securities laws], whether the reporting is required or authorized by law, remains confidential in the hands of the agency to which the information is reported, and does not become a matter of public record by virtue of this communication.	
45-3-807	Savings and loan associations	Tennessee Department of Financial Institutions	<p>(a) An association may decline to disclose its books, papers and other records, except:</p> <p>(1) Pursuant to court order or subpoena;</p> <p>(2) To the commissioner and any authorized examiners, attorneys, or other employees of the department;</p> <p>(3) To the members of the board of directors of the association; or</p> <p>(4) To the holder of a deposit account, or a member or a stockholder to the extent of records concerning the deposit holder's, member's, or stockholder's respective account only.</p>	<p>(b) A stockholder may make written request for access to other books, papers, and records of the association for any proper purpose, in which event the association may request a determination from the commissioner as to whether a proper purpose exists, and the determination of the commissioner shall be conclusive.</p> <p>(c) A stockholder may include in the stockholder's written request that a communication be transmitted to the stockholders of the association, and upon payment of reasonable costs therefor, the association shall cause the communication to be transmitted to the stockholders immediately, subject to regulation by the commissioner.</p>
45-3-814(a)	Savings and loan associations	Tennessee Department of Financial Institutions	The information obtained by the commissioner or any examiner in making an examination into the affairs of the association shall be for the purpose of ascertaining the true condition of the affairs of the association, and shall not be disclosed by the party making the examination to any person, except that the examiner shall make a report of the condition of the affairs of the association ascertained from the examination to the commissioner and except that the commissioner may take action as a result of the report as provided by this chapter.	The commissioner may in the commissioner's discretion disclose reports of examination to other state financial institutions regulatory agencies.
45-5-209	Industrial loan and thrifts	Tennessee Department of Financial Institutions	<p>(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, continue to apply to the information or material after it has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with consumer finance industry oversight authority without the loss of privilege or confidentiality protections provided by federal or state law, including the protection available under § 45-1-120;</p> <p>(4) This section supersedes any inconsistent provisions of title 10, chapter 7, part 5, pertaining to the records open to public inspection.</p>	(5) This section does not apply to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
45-7-216	Money transmitters	Tennessee Department of Financial Institutions	(a) Notwithstanding any other provision of law, all information or reports obtained by the department from an applicant, licensee [to engage in the business of money transmission] or authorized agent are confidential . . . are confidential and may not be disclosed or distributed outside the department by the commissioner or any officer or employee of the department.	(a) The commissioner is authorized to disclose confidential information to any local, state or federal agency in a manner the commissioner deems proper and to the Conference of State Bank Supervisors and the Money Transmitter Regulators Association, provided that these associations have entered into confidentiality agreements with the commissioner. A licensed money transmitter is entitled to access to a copy of the report of examination on the money transmitter prepared by the commissioner or the commissioner's designee. The report of examination in the possession of a licensee shall remain confidential and shall not be subject to subpoena.  (b) Nothing in this section shall prohibit the commissioner from releasing to the public a list of persons licensed under this part or from releasing aggregated financial data on the licensees.  § 45-7-225(f): It is the duty of the commissioner to submit to the district attorneys general for the respective counties of the state any criminal violation of this part known by the commissioner to have occurred in the county. The commissioner shall also report the violation to the appropriate division of the Tennessee bureau of investigation. The commissioner may provide the information to the attorney general and reporter or the appropriate federal authorities, or both, as the commissioner deems proper. Confidential information that is communicated by the commissioner pursuant to this section remains confidential in the hands of the agency to which the information is reported, and does not become a matter of public record by virtue of this communication.
45-7-229	Money transmitters	Tennessee Department of Financial Institutions	(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to the information or material after the information or material has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with money transmission oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or state law, including the protection available under §§ 45-1-120 and 45-7-216;  (4) This section shall supersede any inconsistent provisions of title 10, chapter 7, part 5, pertaining to the records open to public inspection.	(5) This section shall not apply with respect to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.
45-8-221	Business and industrial development corporations (BIDCO)	Tennessee Department of Financial Institutions	(a) Information obtained by the commissioner of Financial Institutions, or any financial institutions examiner, in making an examination into the affairs of the BIDCO, shall be for the purpose of ascertaining the true condition of the affairs of the BIDCO, shall be privileged and confidential, shall not be subject to subpoena, and shall not be disclosed by the party making the examination to any person.	(a)—(d): Except that the examiner shall report the condition of the affairs of the BIDCO to the commissioner, and except that the commissioner is authorized to [disclose to listed persons made under safeguards designed to prevent further dissemination of confidential information. The commissioner has the discretion to authorize the requesting agency or department to use the documents under a protective order approved by the commissioner and designed to prevent the unnecessary further dissemination of the documents.]  [In the commissioner's discretion and in the interest of justice, and when under a validly issued subpoena, the commissioner may waive the privilege and produce examination reports of BIDCOs and other related documents under the provisions of a protection order entered by a court or administrative tribunal of competent jurisdiction where the order is designed to protect from public dissemination the confidential nature of the information so disclosed.]
45-12-125	Flexible Credit Act, Licensure	Tennessee Department of Financial Institutions	(a)(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court with respect to such information or material, shall continue to apply to the information or material after the information or material has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with consumer credit oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or state law, including the protection available under § 45-1-120;  (4) This section shall supersede any inconsistent provisions of title 10, chapter 7, part 5 pertaining to the records open to public inspection.	(5) This section shall not apply with respect to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
45-13-505	Nationwide mortgage licensing system and registry, Licensure	Tennessee Department of Financial Institutions	<p>(1) Except as otherwise provided in P.L. 110-289, § 1512, codified in 12 U.S.C. § 5111, the requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to the information or material after the information or material has been disclosed to the Nationwide Mortgage Licensing System and Registry. The information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or state law, including under § 45-1-120.</p> <p>(3) Information or material that is subject to a privilege or confidentiality under subdivision (1) shall not be subject to: (A) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or</p> <p>(B) Subpoena or discovery or admission into evidence in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry with respect to such information or material, the person to whom such information or material pertains waives that privilege, in whole or in part, in the discretion of such person.</p> <p>(C) [T]his section shall supersede any inconsistent provisions of title 10, chapter 7, part 5 pertaining to the records open to public inspection.</p>	(3)(D) This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the Nationwide Mortgage Licensing System and Registry for access by the public.
45-15-109(c)(4)	Title pledges, Licensure	Tennessee Department of Financial Institutions	The information submitted by title pledge lenders pursuant to this subsection (c) [the renewal application required under § 45-15-106(i), in every odd-numbered year] shall be confidential and may not be disclosed or distributed outside the department by the commissioner.	[T]he commissioner is authorized to disclose confidential information to any local, state or federal agency, as the commissioner deems proper.
45-15-123	Title pledges, Licensure	Tennessee Department of Financial Institutions	<p>(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, continue to apply to the information or material after it has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with title pledge lending oversight authority without the loss of privilege or confidentiality protections provided by federal or state law, including the protection available under § 45-1-120;</p> <p>(4) This section supersedes any inconsistent provisions of title 10, chapter 7, part 5, pertaining to the records open to public inspection.</p>	(5) This section does not apply to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.
45-17-122	Deferred presentment services	Tennessee Department of Financial Institutions	<p>(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to the information or material after the information or material has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with deferred presentment services oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal or state law, including the protection available under § 45-1-120;</p> <p>(4) This section shall supersede any inconsistent provisions of title 10, chapter 7, part 5 pertaining to the records open to public inspection.</p>	(5) This section shall not apply with respect to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.
45-18-119(f)	Check Cashing Act	Tennessee Department of Financial Institutions	Confidential information that is communicated by the commissioner pursuant to [§45-18-119] remains confidential in the hands of the agency to which the information is reported, and does not become a matter of public record by virtue of this communication.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
45-18-124	Check Cashing Act	Tennessee Department of Financial Institutions	<p>(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, continue to apply to the information or material after it has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with check-cashing industry oversight authority without the loss of privilege or confidentiality protections provided by federal or state law, including the protection available under § 45-1-120;</p> <p>(4) This section supersedes any inconsistent provisions of title 10, chapter 7, part 5, pertaining to the records open to public inspection.</p>	(5) This section does not apply with respect to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.
46-1-218(b)	Financial information, Cemeteries	Tennessee Department of Commerce and Insurance, Chancery Court of Davidson County	The petition [for determination that the cemetery company no longer be required to continue to make contributions to the improvement care trust fund or that the contributions be reduced] shall be accompanied by an audited balance sheet prepared by a Tennessee certified public accountant showing the financial position of the cemetery company from the date of the petition seeking relief. All financial information submitted shall be kept strictly confidential and shall be subject to a protective order limiting access to the information to the court and the attorney representing the commissioner.	
47-18-106(g)	Consumer affairs, Trade secrets	Tennessee Department of Commerce and Insurance, Division of Consumer Affairs	No documentary material, merchandise, or other information, including trade secrets, obtained pursuant to a request under this section [enforcement of the Tennessee Consumer Protection Act], shall be produced for inspection, copied by, or its contents disclosed to, any person other than an authorized representative of the division or other proper law enforcement official for the purpose of prosecution	[Unless otherwise ordered by the court for good cause shown, with the consent of the person who produced the material or information, and division may use copies of the documentary material produced in accordance with this section and merchandise impounded under a court order as it determines necessary in the enforcement of this part.]
47-18-1604(a)(2)	Audits, Fantasy sports operators	Tennessee Secretary of State	The secretary of state shall . . . [r]equire that all licensed fantasy sports operators contract annually with a third party to perform an independent audit, consistent with the attestation standards established by the American Institute of Certified Public Accountants, to ensure compliance with this part. Upon completion of the audit, the audit report shall be submitted to the secretary of state for examination and inspection. These records shall be confidential and shall not be open to public inspection pursuant to title 10, chapter 7.	
47-23-101(a)	Insurance policy information	Public Lender, Mortgagee, Assignee, or Creditor	(1) When a borrower is required to keep real estate insured and to furnish evidence of such insurance to a lender as a condition for obtaining or keeping the loan, then the lender, mortgagee, assignee, or creditor is prohibited from disclosing to other persons or parties, directly or indirectly, information with respect to the expiration dates of such insurance or other insurance policy information so as to enable any person or party to solicit the insurance or any renewal thereof, without first obtaining the written consent of the policyholder for such disclosure to be made.	<p>(2) No other person or party shall request the disclosure of such information, so as to facilitate solicitations of the insurance or any renewal thereof, without first obtaining the written consent of the policyholder.</p> <p>(3) No lender, mortgagee, assignee, or creditor shall use any of the information contained in a policy of insurance for the purpose of soliciting insurance business with respect to the insured real property from the borrower.</p>
47-25-1706	Trade secrets	Courts	<p>In an action under this part, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.</p> <p>§ 47-25-1702(4) "Trade secret" means information, without regard to form, including, but not limited to, technical, nontechnical or financial data, a formula, pattern, compilation, program, device, method, technique, process, or plan that:</p> <p>(A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and</p> <p>(B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.</p>	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
48-1-118(a)(1)(A)	Investigations, Tennessee Securities Act	Tennessee Department of Commerce and Insurance	The commissioner, in the commissioner's discretion, may: [m]ake such public or private investigations within or outside of this state as the commissioner deems necessary to determine whether or not any person has violated or is about to violate any provision of this part or any rule, regulation, or order hereunder, or to aid in the enforcement of this part, or in the prescribing of rules hereunder.	
48-1-127(d)	Financial exploitation of designated adult, Tennessee Securities Act	Tennessee Department of Commerce and Insurance	All records [relevant to the suspected financial exploitation of a designated adult] made available to the commissioner under this section [which may include historical records or records relating to the most recent disbursement as well as disbursements that comprise the suspected financial exploitation of a designated adult] shall not be open to inspection by members of the public under § 10-7-503.	
48-101-511	Charitable solicitations	Tennessee Secretary of State	Registration statements and applications, reports, and all other documents and information required to be filed under this part or by the secretary of state shall be public records in the office of the secretary of state and shall be open to the general public for inspection at such time and under such conditions as the secretary of state may prescribe.	
48-101-513(i)(2)	Charitable solicitation	Tennessee Secretary of State	No donor list, information or documentation, required to be maintained under this subsection (i) [related to paid solicitor], which is obtained by the secretary of state pursuant to this part, unless otherwise ordered by a court for good cause shown, shall be produced for inspection, copied by or its contents disclosed to any person other than an authorized representative of the secretary of state, the attorney general and reporter or the attorney general and reporter's representative, or other proper law enforcement officials for the purpose of enforcing this part or prosecuting other criminal or civil violations, without the consent of the person who produced the information or documentation.	
48-101-514(a)(1)	Investigations, Charitable solicitations	Tennessee Secretary of State	The secretary of state, upon the secretary of state's own motion or upon complaint of any person, if the secretary of state has reasonable ground to suspect any violation of this part or any rule thereunder or to aid in enforcement of this part, may publicly or privately investigate as the secretary of state deems necessary any charitable organization, professional solicitor or other person to determine whether such person or organization has filed any registration application or other information required under this part that contains false or misleading statements, has conducted any solicitation of contributions by any unfair, false, misleading or deceptive means or manner, or has otherwise violated any provision of this part.	
49-1-302(f)	Tests	Tennessee Department of Education, Tennessee Board of Education	All statewide tests developed or provided by the department [of education] to measure individual student progress and achievement, all banks of questions, all field testing documents used as background for the development of the tests, and all answers shall be kept confidential when and for so long as is necessary to protect the integrity of the tests.	
49-1-606(b)	Teachers, Job performance evaluations, Employees	Tennessee Department of Education, Local Education Agencies (LEA)	(1) The estimates of specific teacher effects on the educational progress of students will not be a public record, . . . The estimates [of specific teacher effects] made available to the preparation programs shall not be a public record and shall be used only in evaluation of the respective teacher preparation programs. Each institution or postsecondary system receiving the estimates shall develop a policy to protect the confidentiality of the data.	(1) The estimates of specific teacher effects on the educational progress of students . . . will be made available only to the specific teacher, the teacher's appropriate administrators as designated by the local board of education and school board members.  (2) The estimates of specific teacher effects on the educational progress of students may be made available to parties conducting research for, or on behalf of, the department, schools, LEAs, or postsecondary institutions; provided, however, that the estimates made available shall not be a public record and shall be used only for research purposes. Each party receiving the estimates of specific teacher effect data for research purposes shall execute a signed data sharing agreement with the entity providing the data that includes provisions safeguarding the privacy and security of the data.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
49-1-703(2)	Student records	Tennessee Department of Education, Tennessee Board of Education	The state board of education shall develop, publish and make publicly available policies and procedures to comply with FERPA, § 10-7-504 and other relevant privacy laws and policies.  (2)(C)(i)(a) Unless otherwise approved by the state board or permitted in this part, student data maintained by the department shall remain confidential.	(A) Access to student and de-identified data in the student data system is restricted to:  (i) The authorized staff of the department and the department's contractors who require access to perform their assigned duties;  (ii) LEA administrators, teachers, school personnel and the LEA's contractors who require access to perform their assigned duties;  (iii) Students and their parents; provided, however, that a student or the student's parents may only access the student's individual data;  (iv) The authorized staff of other state agencies as permitted by law; provided, however, that within sixty (60) days of providing such access, the department shall provide notice of the release to the state board, the education committee of the senate, and the education administration and planning committee of the house of representatives, and post such notice on the department's web site;  (v) Parties conducting research for or on behalf of the department or an LEA; provided, that such access is granted in compliance with FERPA and other relevant state and federal privacy laws and policies and that the department shall provide notice of the release to the state board, the education committee of the senate, and the education administration and planning committee of the house of representatives, and post such notice on the department's web site;  (vi) Appropriate entities in compliance with a lawfully issued subpoena or court order; or  (vii) Appropriate officials in connection with an interagency audit or evaluation of a federal or state supported education program.
49-4-903(c)	Student records, Lottery	Tennessee Student Assistance Corporation (TSAC), Tennessee Higher Education Commission (THEC)	Postsecondary educational institutions that enroll students receiving scholarships or grants under this part shall provide all information required by TSAC and THEC that is necessary for administering, reviewing, and evaluating such programs. TSAC and THEC may choose to collect data from higher education institutions or through the University of Tennessee system, board of regents or the Tennessee Independent Colleges and Universities Association. TSAC and THEC shall maintain confidentiality of individual student records in accordance with the Family Educational Right to Privacy Act (20 U.S.C. § 1232g).	
49-5-5632	Evaluation data, Employees	Tennessee Department of Education, Teacher training Programs	[Annual evaluation data for teachers and principals graduating from the programs] made available [by the Department of Education] to teacher training programs shall not be a public record and shall be used only for the purpose of making improvements to the program. Each program receiving the annual evaluation data shall execute a signed data-sharing agreement with the department of education that includes provisions safeguarding the privacy and security of the data.	
49-6-808	Emergency response plans	Local Education Agencies (LEA)	(c) Building-level emergency response plans shall be confidential and shall not be subject to any open or public records requirements.	(a) LEA shall make district-wide and building-level school safety plan available for public comment at least thirty (30) days prior to its adoption; provided, that only a summary of each building-level emergency response plan shall be made available for public comment.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
49-6-815(d)	Firearms	Local Education Agencies (LEA), Law enforcement agencies	<p>The joint written authorization of the director of schools and the principal of the school given pursuant to subdivision</p> <p>(b)(2), the notification transmitted to the chief of the appropriate law enforcement agency pursuant to subdivision</p> <p>(c)(1), the names and contact information of any person authorized to carry or possess a firearm on school property pursuant to subdivision</p> <p>(c)(2), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not issued joint written authorization to carry or possess a firearm on school property, or any other document, file, record, information or material relating to the carrying or possessing of a firearm on school property pursuant to this section that is received by, transmitted to, maintained, stored or compiled by the director of schools, the principal of the school, any LEA, or city, county or municipal law enforcement agency, shall be confidential and not open for public inspection.</p>	
49-6-816(i)	Employees, Handguns	Local Education Agencies (LEA), Law Enforcement Agencies	<p>The notification transmitted to the chief of the appropriate local law enforcement agency pursuant to subdivision</p> <p>(f)(1), the names and contact information of any employee authorized to carry or possess a concealed handgun on school property pursuant to subdivision</p> <p>(b)(1), any listing or compilation of names or individual names of persons who are authorized to carry or possess a firearm on school property, whether the director of schools and the principal of the school have or have not authorized an employee to carry or possess a firearm on school property, or any other document, file, record, information, or material relating to the carrying or possessing of a handgun on school property pursuant to this section that is received by, transmitted to, maintained, stored, or compiled by the director of schools, the principal of the school, any LEA, or county or municipal law enforcement agency, shall be confidential and not open for public inspection under title 10, chapter 7.</p>	
49-6-1401(a)(3)	Student health information	Local Education Agencies (LEA)	[Health report card produced by schools carrying out a program to identify public school children who are at risk for obesity is "confidential". The report provided to the student's parents or guardians presents] the result of the child's BMI-for-age screening, along with basic educational information on what the results mean and what the parents or guardians should do with the information.	
49-6-1601(b)	Reports of child abuse or sexual abuse	Child Care Agencies, Preschools, Nursery Schools, Kindergarten, Elementary Schools, Secondary Schools	Once notice is given pursuant to this section, the principal or other designated person shall provide to the parent or legal guardian all school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian . . . edited to protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure, and any information made confidential pursuant to federal law or § 10-7-504(a)(4). The information and records described in this section shall not include records of other agencies or departments.	
49-6-3007(i)(7)	Student records	Local Education Agencies (LEA), Law Enforcement Agencies, Juvenile Courts	Upon issuance of a standing order by the juvenile court, LEA officials shall be allowed to release student record information to local law enforcement agencies and to juvenile justice system officials to assist the officials in effectively serving the student whose record is released [related to enforcement of compulsory school attendance]. Officials and authorities receiving the information shall not disclose the information to any other party without prior written consent of the parent.	[Release authorized with prior written consent of the parent.]

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
49-6-3051(d)	Juveniles adjudicated delinquent	Tennessee Department of Children's Services (DCS), Local Education Agencies (LEA), Schools, Courts	The abstract [provided under § 37-1-153 or § 37-1-154] and information [related to adjudication of student as delinquent for specified offenses listed in (b)] shall be shared only with the employees of the school having responsibility for classroom instruction of the child and the school counselor, social worker or psychologist who is involved in developing a plan for the child while in the school, and with the school resource officer, and any other person notified pursuant to this section. The information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The abstract or other similar information provided pursuant to subsection (a) and the plan shall not become a part of the child's student record.	
49-6-4213(k)	Student records, Drug tests	Local Education Agencies (LEA)	(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).	(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.
49-6-5105	Student records	Tennessee Department of Education	The commissioner shall use the identification numbers furnished under this part for the purpose of tracking students and for other statistical reports or surveys, but for no other purpose. Listings of student names and identification numbers shall not be public records.	§ 49-6-5101(e): The department [of education] shall establish, to the extent authorized by the Family Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g), and any regulations adopted pursuant thereto, a mechanism for a person or entity to have different types of access to the information contained in the database, to the extent that such information is necessary for the performance of a duty or that such information may be made available without posing a threat to the confidentiality of a student.
49-6-6001(c)	Assessment tests for graduation	Tennessee Board of Education, Local Education Agencies (LEA)	All tests developed or used to implement this section, all banks of questions, all field testing documents used as background for the development of the tests and all answers shall be kept confidential when and for as long as necessary to protect the integrity of the tests, and accordingly, are exempt from the requirements of § 10-7-503.	
49-7-120	Research or services by public higher education institutions, Identifying information, Trade secrets, Propriety information, Patentable Information	Public Higher Education Institutions, Tennessee Department of Economic and Community Development (ECD)	The following records or materials, regardless of physical form or characteristics, received, developed, generated, ascertained or discovered during the course of sponsored research or service conducted by a public higher education institution, or in the course of fulfilling a grant agreement between a public higher education institution and the Tennessee department of economic and community development, shall not be open for public inspection:  (1) Patentable material or potentially patentable material;  (2) Proprietary information;  (3) Trade secrets or potential trade secrets, including, but not limited to, manufacturing and production methods, processes, materials and associated costs;  (4) Business transactions, commercial or financial information about or belonging to research subjects or sponsors;  (5) Summaries or descriptions of sponsored research or service, unless released by the sponsor;  (6) Personally identifiable information; and  (7) Any other information that reasonably could affect the conduct or outcome of the sponsored research or service, the ability to patent or copyright the sponsored research or any other proprietary rights any person or entity might have in the research or the results of the research, including, but not limited to, protocols, notes, data, results or other unpublished writing about the research or service.	(c) Nothing in this section shall prohibit voluntary disclosure of the records or materials by the sponsor or by the public higher education institution with the consent of the sponsor.
49-7-140	Identifying information	Public Higher Education Institutions, Public Higher Education Foundations	Records and information that concern gifts to public institutions of higher education or foundations established under § 49-7-107, and that include the name, address, telephone number, social security number, driver license information, or any other personally identifiable information about the donor or members of the donor's family, shall not be open for public inspection.	Upon request, the attorney general may review all records or information concerning gifts to public institutions of higher education, and to foundations established under § 49-7-107, including all personally identifiable information about the donor or members of the donor's family.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
49-7-154(a)	CEO application materials, Employees	Public Higher Education Institutions	[A]n application for a position of chief executive officer of a public institution of higher education, materials submitted with an application, letters of recommendation or references concerning an applicant, and any other records or information relating to or arising out of the process of searching for and selecting an individual for a position of chief executive officer of a public institution of higher education shall be treated as confidential and shall not be open for public inspection, if the records could be used to identify a candidate for the position.	[A]fter a search committee has selected finalists [no less than three (3) candidates selected by a search committee as the group from which one (1) or more candidates shall be recommended] for the position, a record relating exclusively to the candidates selected as finalists shall not be confidential.  This section shall not apply to information relating to a candidate who did not expressly request that the candidate's information be kept confidential.
49-7-165	Investment records	The University of Tennessee and State University and Community College Systems	(b)(2) [R]ecords relating to the University of Tennessee's or the state university and community college system's review or analysis of any alternative investment or any investment therein shall not be open to public inspection pursuant to title 10, chapter 7, part 5, if:  (A) The records contain confidential information or information that could be commercially reasonably expected to be kept confidential when provided to or by the public institution of higher education, or any analysis or evaluation of an alternative investment by the public institution of higher education; or  (B) Disclosure of the records reasonably could have an adverse effect on the public institution of higher education's investment program, the value of an alternative investment, or the person or entity that provided the information for or to the public institution of higher education.	(d) Nothing in this section shall limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.
49-7-825	Identifying information	Tennessee Department of the Treasury, Tennessee Baccalaureate Education System Board of Trustees (BEST)	(a) [The BEST] board and any officer, employee, agent or contractor of the board shall not disclose personal information about any person obtained by the board in connection with the purchase of tuition units or the making of contributions to any educational investment trust fund account under this part.	(b) The board and any officer or employee of the board may release information described in subsection  (a) under the following circumstances:  (1) To an institution of higher education in which a beneficiary may enroll or is enrolled. The institution of higher education shall maintain the same level of confidentiality as that required under this section;  (2) To the extent that the beneficiary, purchaser or their respective legal representative consents to disclosure;  (3) In compliance with a subpoena or a court order;  (4) To the comptroller of the treasury or the comptroller's designees for the purpose of an audit of the board;  (5) To the internal revenue service for the purpose of filing reports of distributions made under the program; or  (6) In any administrative proceeding or court action between the purchaser, beneficiary or their respective legal representative and the board.
49-7-2005(b)	Criminal history background check	Tennessee Higher Education Commission (THEC)	The commission may require as part of the application for initial authorization of a postsecondary educational institution criminal background checks for all owners and directors of institutions not accredited by an accrediting agency recognized by the United States department of education. The results of the background checks under this section shall be confidential and not open to public inspection.	
49-11-613(a)	Identifying information, Vocational rehabilitation	Tennessee Department of Human Services (DHS), Division of Vocational Rehabilitation	It is unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program and in accordance with regulations, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies of the state or acquired in the course of the performance of official duties.	



Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
49-12-301	Student records, Proprietary interests, Personal privacy rights	Interstate Commission on Educational Opportunity for Military Children	Compact Article IX. The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:  F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.	
49-13-145	Identifying information, Student records	Charter Schools	[A chartering authority or a public charter school approved to operate one  (1) or more schools in the district shall not release] to outside parties without prior written consent from the parent or eligible student [the student names, ages, addresses, dates of attendance, and grade levels completed in accordance with § 10-7-504 and the Family Educational Rights and Privacy Act (FERPA), compiled at 20 U.S.C. § 1232g provided to it by the LEA].	
49-14-103(a)	Working papers; Internal audit; Reports of suspected illegal, improper, wasteful or fraudulent activity	Tennessee Board of Regents, State University Boards and the University of Tennessee Board of Trustees	The detailed information received pursuant to a report of illegal, improper, wasteful or fraudulent activity or any ongoing investigation of the activity shall be considered working papers of the internal auditor and shall be confidential under title 10, chapter 7.	
49-50-1408(b)	Identifying information; Reports of falsification, waste or mismanagement	Tennessee Department of Education	Reports of alleged falsification, waste or mismanagement [under the Education Truth in Reporting and Employee Protection Act of 1989] shall be confidential only to the extent the person reporting requests that the person's name not be revealed.	
50-3-302(d)	Identifying information, OSHA investigations	Tennessee Department of Labor and Workforce Development	The name, job title and other information that may be used to identify a witness who is interviewed during the course of an investigation [related to occupational safety and health under chapter 3, title 5] shall be considered confidential and shall not be a public record pursuant to title 10, chapter 7.	
50-3-304(a)(3)	Identifying information, Notice of OSHA Violation	Tennessee Department of Labor and Workforce Development	Upon the request of the person giving the notice, the person's name and the names of individual employees referred to in the notice [of belief by an employee that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists] shall not appear in the copy or on any record published, released or made available pursuant to § 50-3-305.	
50-3-702(b)	First report of work injury	Tennessee Department of Labor and Workforce Development, Bureau of Worker's Compensation	The employer's first report of work injury records that are maintained by the bureau are confidential.	After completing a standard authorization form, which shall be provided by the bureau, an employee or an employee's attorney may obtain a copy of any report that concerns the employee's work injury. Nothing contained in this subsection (b) shall be construed or implemented to alter or amend existing law pertaining to Occupational Safety and Health Administration (OSHA) Form 300 reports. This section does not apply to a collective bargaining agent as certified by the national labor relations board (NLRB).
50-3-914(a)	Trade secrets	Tennessee Department of Labor and Workforce Development	All information obtained by or reported to the commissioner pursuant to any section of this chapter [Occupational Safety and Health Act of 1972] that contains or might reveal a trade secret or is otherwise privileged shall be considered confidential for the purpose of that section.	The information may be disclosed to other officers or employees concerned with carrying out this chapter or when relevant in any proceeding under this chapter.
50-6-131	Medical records	Tennessee Department of Labor and Workforce Development, Bureau of Worker's Compensation	Medical records provided to the bureau of worker's compensation in the course of its activities and the review of settlements pursuant to this chapter [applicable to injuries occurring on and after July 1, 2014] shall remain confidential and shall not be considered to be public records.	
50-6-405(b)(3)	Workers' compensation insurance	Tennessee Department of Commerce and Insurance, Tennessee Department of Labor and Workforce Development	Filings pursuant to this subsection (b) [evidence of the employer's financial ability to pay all claims] shall be kept confidential by the commissioner of commerce and insurance and shall not be construed to be a public record pursuant to title 10, chapter 7.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
50-6-405(c)(4)(C)	Financial statements of self-insurers for workers' compensation claims	Tennessee Department of Commerce and Insurance, Tennessee Department of Labor and Workforce Development	(4)(C) Financial statements filed pursuant to this subsection (c), individual member financial statements, work papers, notes, internal documents generated by the department of commerce and insurance or any other information obtained by or disclosed to the commissioner of commerce and insurance pursuant to this chapter [by group of employers qualifying as self-insurers] or any regulations promulgated under this chapter, shall be confidential and shall not be disclosed to the public.	This provision, however, shall not apply to the examination report prepared by the commissioner of commerce and insurance, nor to any rebuttal to the examination reports submitted by or on behalf of the group examined. However, nothing contained in this subdivision (c)(4)(C) shall be construed as prohibiting the commissioner of commerce and insurance from disclosing the information listed in this subdivision (c)(4)(C), or any matters relating to that information, to state agencies of this or any other state, or to law enforcement officials of this or any other state or agency of the federal government at any time.
50-6-421	Workers' compensation insurance policies	Tennessee Department of Labor and Workforce Security, Bureau of Worker's Compensation	(a) [A]ny information relating to workers' compensation insurance policies obtained by the administrator of the bureau of workers' compensation to ensure compliance with the law shall be deemed confidential and shall not constitute a public record, as defined in § 10-7-503.	(a) [P]rovided that such information may be used by any state agency, or vendor designated by the state, for the purpose of ensuring compliance with the law.  (b) The following information obtained by the administrator [relating to such insurance policies] shall constitute a public record, as defined in § 10-7-503, and shall be open for personal inspection by any citizen of this state:  (1) Employer name and business address;  (2) Workers' compensation insurance carrier name and business address; and  (3) Workers' compensation insurance policy number, policy effective date, policy expiration date, policy cancellation date, and policy reinstatement date.
50-6-915	Construction services provider and workers' compensation exemption registration	Tennessee Secretary of State	Notwithstanding any law to the contrary, records maintained by the secretary of state relative to the construction services provider registration and to the workers' compensation exemption registration, other than records displayed on the registry established pursuant to this part, shall not constitute a public record as defined in § 10-7-503 and shall not be open for public inspection.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
50-7-701(a)(1)(B)	Unemployment	Tennessee Department of Labor and Workforce Development	Information obtained pursuant to the administration of this chapter [the Tennessee Employment Security Law] shall be held confidential and shall not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity.	<p>Other than to: (i) The extent necessary for the proper presentation of a claim for unemployment insurance benefits;</p> <p>(ii) Public employees in the performance of their public duties and to their duly authorized agents and contractors for the purpose of performing such duties; provided, that the safeguard and security requirements of 20 CFR 603.9 (b) and (c) are met;</p> <p>(iii) State and local child support agencies for the enforcement, collection and establishment of child support obligations, for the location of child support obligors, and for the establishment of paternity. Information disclosed to the state and local child support agencies may be provided by them to their duly authorized agents, working under contract or otherwise; provided, that the information provided to the agents is limited to only information on individuals who are child support obligors or who are sought for establishing paternity, and the information is used only for the purposes of establishing and collecting child support obligations, locating child support obligors, and establishing paternity. Any agent of a state or local child support agency who receives information under this section shall be required to comply with all regulations, restrictions and safeguards provided in § 303(e)(1)(B) of the Social Security Act, codified in 42 U.S.C. § 503(e)(1)(B), as determined in regulations issued by the United States secretary of labor;</p> <p>(iv) Any party or the party's legal representative at a hearing before an unemployment hearing officer or the commissioner's designee to the extent necessary for the proper presentation of a claim. Any documents, records, affidavits, testimony, or other information introduced into the record at any hearing before an unemployment hearing officer or the commissioner's designee shall not be held confidential and shall be open to public inspection, unless expressly prohibited by other state or federal law or by administrative or judicial protective order. Hearings before an unemployment hearing officer or the commissioner's designee will be open to the public, subject to rules the agency prescribed in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and applicable federal law;</p> <p>(v) The bureau of TennCare, the office of inspector general, and their duly authorized agents and contractors, for the sole purpose of investigating the eligibility of TennCare enrollees and applicants; provided, that the information disclosed to the agents shall only include TennCare enrollee and applicant information, and that the information shall be used only for the following purposes: verification of eligibility for TennCare, verification of TennCare enrollee access to health insurance other than through TennCare, and determination of whether the enrollee is being charged and is paying correct TennCare premium amounts. It is further provided that, before any agent or contractor may have access to the information, the agent or contractor shall execute an agreement with the bureau of TennCare or the office of inspector general, warranting that any information obtained as provided in this section shall remain confidential, shall not be disclosed by the agent or contractor to third parties or subcontractors, and that the agent or contractor shall limit the use to the purposes set forth in this section. The agreement shall further require that the contractor or agent return or destroy all confidential information received during the course of the contract or agency, and use appropriate safeguards to prevent use or disclosure other than as provided for by law and by the contract or agency agreement. Nothing in this subdivision (a)(1)(B)</p> <p>(v) shall be construed to prevent the office of inspector general from sharing the information with other public agencies, including law enforcement agencies, in the performance of the official duties of the office of inspector general and those agencies, as may be otherwise provided by law; or</p> <p>(vi) To the individual or employing unit to whom the records relate, or to their agents with a written authorization from the individual or employing unit.</p>
50-7-701(a)(2)	Unemployment	Tennessee Department of Labor and Workforce Development	Information obtained by the division of employment security pursuant to the Social Security Act, § 1137, codified in 42 U.S.C. § 1320b-7, as added by § 2651 of the Deficit Reduction Act of 1984 (Pub. L. No. 98-369), shall be held confidential in accordance with subdivision (a)(1), § 1137(a)(5) of the Social Security Act, codified in 42 U.S.C. § 1320b-7(a)(5) and regulations described in § 1137(a)(5)(B) of the Social Security Act, codified in 42 U.S.C. § 1320b-7(a)(5)(B).	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
50-7-701(c)	Unemployment	Tennessee Department of Labor and Workforce Development	All letters, reports, communications, or any other matters, either oral or written, from the employer or employee or former employee, to each other, or to the department, or to or by any of the agents, representatives or employees of any of them, which shall have been written, spoken, sent, delivered or made in connection with the requirements and administration of this chapter, shall be absolutely privileged, and shall not be made the subject matter or basis for any suit for libel or slander in any court.	
50-9-106(a)(2)	Employees, Drug Tests	All	A copy of this documentation [written record made of the observations leading to a controlled substances reasonable suspicion test within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier] shall be given to the employee upon request, and the original documentation shall be kept confidential by the covered employer pursuant to § 50-9-109 and shall be retained by the covered employer for at least one (1) year.	
50-9-109	Drug free workplace programs	All	<p>(a) All information, interviews, reports, statements, memoranda and drug or alcohol test results, written or otherwise, received by the covered employer through a drug or alcohol testing program are confidential communications and may not be . . . disclosed in any public or private proceedings.</p> <p>(b) Covered employers, laboratories, medical review officers, employee assistance programs, drug or alcohol rehabilitation programs and their agents who receive or have access to information concerning drug or alcohol test results shall keep all information confidential.</p>	<p>(b) Release of the information is authorized solely pursuant to a written consent form signed voluntarily by the person tested, unless the release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, relevant to a legal claim asserted by the employee or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.</p> <p>(d) This section does not prohibit a covered employer, agent of the employer or laboratory conducting a drug or alcohol test from having access to employee drug or alcohol test information or using the information when consulting with legal counsel in connection with actions brought under or related to this section, or when the information is relevant to its defense in a civil or administrative matter. Neither is this section intended to prohibit disclosure among management as is reasonably necessary for making disciplinary decisions relating to violations of drug or alcohol standards of conduct adopted by an employer.</p> <p>(e) A covered employer shall notify the parents or legal guardians of a minor of the results of any drug or alcohol testing program conducted pursuant to this chapter. Notwithstanding any other provisions of this section, an employer is authorized to disclose the results to parents and guardians and an employer shall not be liable for any disclosure permitted by this subsection (e).</p>
53-10-306	Controlled substances database records	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 [those listed] persons in accordance with the limitations stated and rules promulgated pursuant to this part, or as otherwise provided for in § 53-10-311.	<p>(e)(1) Information obtained by law enforcement personnel from the database may be shared with other law enforcement personnel or prosecutorial officials only upon the direction of the officer or agent who originally requested the information and may only be shared with law enforcement personnel from other law enforcement agencies who are directly participating in an official joint investigation.</p> <p>(2) Any information obtained from the database that is sent to law enforcement personnel shall also be sent to the district attorney general of the judicial district to the district in which such officer or agent has jurisdiction. Likewise, any database information sent to a TBI agent or DEA agent shall also be sent to the TBI director or the assistant special agent in charge.</p> <p>(3)(A) Information obtained from the database by the judge of a drug court treatment program may be shared with personnel of a drug court treatment program.</p> <p>(B) For the purposes of this subdivision (e)(3), "personnel of a drug court treatment program" includes a judge of a drug court and any person employed by the drug court and designated by the judge to require access to the information in order to efficiently administer the drug court treatment program.</p> <p>(4) Any information obtained from the database that is sent to a judge of a drug court treatment program shall also be sent to the district attorney general of the judicial district in which the judge has jurisdiction. (f)(1) To ensure the privacy and confidentiality of patient records, information obtained from the database by law enforcement personnel shall be retained by the law enforcement personnel's respective department or agency. The information obtained from the database shall not be made a public record.</p>

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
53-11-408(a)(3)	Information concerning individuals being treated with controlled substances	Tennessee Bureau of Investigation (TBI)	[The TBI may] cooperate with the United States drug enforcement administration by establishing a centralized unit to accept, catalogue, file and collect statistics, including records of drug dependent persons and other controlled substance and controlled substance analogue law offenders within the state, and make the information available for federal, state and local law enforcement purposes. It shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under [§ 53-11-408(c)].	
54-1-403	Litter reports	Tennessee Department of Transportation (TDOT)	(b) Litter reports, whether made via the Internet, e-mail or telephone, shall be deemed confidential. Neither the identity of the person making the report, nor the specific information compiled in the report, shall be available to any person other than an official or employee of the department having responsibility in the administration and enforcement of the program.  [(a) Litter reports shall include, at a minimum, the following: • offender's motor vehicle registration number, Tennessee plates only; • make and model of the offender's motor vehicle; • date and time of day the littering offense occurred; • approximate location at which the littering offense occurred; • person or entity who committed the littering offense, whether driver, passenger or accidental discharge from a load; and • item or items improperly discharged from the motor vehicle that are the basis for the littering offense.]	
54-1-504	Procurement	Tennessee Department of Transportation (TDOT)	(3)(B) All proposals received by the department in response to the [request for proposal (RFP) to solicit a Construction Manager/General Contractor(CM/GC) proposal], and any documents used by the selection committee to evaluate and score the proposals, shall remain confidential and not subject to disclosure to any proposer or to the public until after the department issues a written notice of award as provided in subdivision (3)(E);  (2)(A) The RFP used to solicit a CM/GC proposal shall be reviewed by the selection committee established under subdivision (1). Prior to the issuance of the RFP, the selection committee shall approve the proposed RFP indicating that the RFP complies with the requirements in this part, in a closed meeting that is not open to the public and by a majority vote;  (4)(C) The department's detailed construction cost estimate, and any construction cost estimate prepared by an independent third-party estimator, shall not be disclosed to the CM/GC, and shall remain confidential and not subject to public disclosure until after award of the contract for construction of the project;  (4)(E) Based on the contract plans, specifications, special provisions, and other contract terms and conditions compiled by the department, the CM/GC shall prepare a guaranteed maximum price, including any authorized contingency, for construction of the project. When completed, the CM/GC's proposed GMP shall be submitted to the department for review. The CM/GC's proposed GMP shall otherwise remain confidential and not subject to public disclosure until after award of the contract for construction of the project.	
54-1-506	Procurement	Tennessee Department of Transportation (TDOT)	After the protest period has expired, and the contract for pre-construction services has been awarded, the department's procurement files shall be subject to public inspection pursuant to § 10-7-504(a)(7).	
54-6-105(f)	Proprietary information	State of Tennessee, Counties, Municipalities, Agencies or Authorities of such Governments	This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from the review shall be subject to public disclosure pursuant to § 10-7-503 or any other law; except, that no proprietary information, which is confidential pursuant to § 54-6-107, shall be subject to public disclosure.[For any project with an estimated cost of over fifty million dollars (\$50,000,000)]	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
54-6-107	Proprietary information	State of Tennessee, Counties, Municipalities, Agencies or Authorities of such Governments	<p>(a) All solicited and unsolicited proposals received by the responsible public entity pursuant to § 54-6-106, and any documents used by the responsible public entity to evaluate and accept or reject the proposals, shall remain confidential and not subject to disclosure to any proposer, affected jurisdiction, or to the public under § 10-7-503 or other law until after the responsible public entity selects a proposal to enter into a public-private initiative; except, that, at all times under this chapter, proprietary information and all solicited and unsolicited proposals that are withdrawn by a private entity [pursuant to (b)] shall remain confidential and not subject to disclosure to any proposer, affected jurisdiction, or to the public pursuant to this subsection (a), § 10-7-503, or any other law.</p> <p>(b)(6) Any information determined by the responsible public entity to be proprietary shall be exempt from disclosure under § 10-7-503.</p>	
55-10-114	Accident reports	Tennessee Department of Safety and Homeland Security, Highway Patrol	<p>(a) All accident reports by persons or garages shall be for the confidential use of the department of safety or other state agencies having use of the records for accident prevention purposes, or for the administration of Tennessee laws relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles.</p> <p>(b) No reports or information mentioned in § 55-10-114 shall be used as evidence in any trial, civil or criminal, arising out of an accident.</p>	<p>(a) The department of safety may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies having been present at the accident.</p> <p>(b) The department of safety shall furnish upon demand of any party to the trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law.</p> <p>§ 55-10-115(b) The department shall receive accident reports required to be made by this part and may tabulate and analyze those reports and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents.</p> <p>§ 55-10-108(d) The report under § 55-10-108(b) shall not be considered confidential within the meaning of § 55-10-114(a). Copies of any reports of a motor vehicle accident investigated by the department that are on file in the various district offices of the Tennessee highway patrol shall be made available for inspection by the parties set forth in this subsection (d), and may be obtained from the station by paying the fee of four dollars (\$4.00).</p> <p>§ 55-10-108(f) Any report of a motor vehicle accident investigated by the department or prepared pursuant to subsection (b) shall be open to public inspection as a public record under the public records laws compiled in title 10, chapter 7. It is an offense punishable as a Class A misdemeanor for any person to knowingly use the report or information contained in the report for solicitation that is prohibited by a standard of conduct or practice of any profession licensed by the state.</p>
55-10-423	Ignition interlock data	Law Enforcement Agencies, Courts	All documents, records, identifying information, monitoring data or results and other information recorded, collected, maintained, transmitted or stored by an ignition interlock provider about or concerning an interlock program participant is confidential and not available for public inspection. All such information shall retain its confidentiality when it is transmitted, electronically or otherwise, maintained and stored, examined or used by a monitoring authority.	Only authorized employees of an ignition interlock provider or monitoring authority may view any document made confidential by this section.
55-12-209	Insurance verification, James Lee Atwood Jr. Law	Tennessee Department of Revenue, Tennessee Department of Safety and Homeland Security, Tennessee Department of Commerce and Insurance, Law Enforcement Agencies, Courts	Any information obtained by the department of revenue, or its designated agent, from the insurance verification program ("James Lee Atwood Jr. Law") is for the sole use of the department of revenue, the department of safety, the department of commerce and insurance, law enforcement, and the judiciary to effectuate this chapter and is not a public record for purposes of title 10, chapter 7, nor discoverable in the course of legal proceedings.	<p>(c) A law enforcement officer from a jurisdiction that has reasonable access to the program shall utilize the program to verify proof of financial responsibility as required by § 55-12-139.</p> <p>(d) Nothing in this part precludes a law enforcement officer from a jurisdiction that does not have reasonable access to the program from utilizing the program to verify proof of financial responsibility as required by § 55-12-139.</p> <p>(e) Nothing in this part prohibits an automobile liability insurer from using the services of a third-party vendor to comply with this part.</p> <p>(f) This part shall not apply to motor vehicles insured under commercial automobile coverage; however, insurers of those vehicles may participate on a voluntary basis. Automobile liability insurers shall provide commercial automobile customers with evidence reflecting that the vehicle is insured under a commercial automobile policy. Sufficient evidence may include an insurance identification card that clearly identifies the policy as providing commercial automobile coverage.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
55-19-112	Examinations	Commercial Driving Schools	<p>(a) Written examinations [used by commercial driver training schools] shall be maintained in a manner that ensures the integrity and confidentiality of their contents.</p> <p>(b) All electronic examinations used by commercial driving schools shall be maintained in such a manner that ensures the integrity and confidentiality of the examinations.</p>	
55-25-104	Personal information in motor vehicle records	Tennessee Department of Safety and Homeland Security, Tennessee Department of Revenue, County Clerks (when acting as agents)	The Department[s of Safety and of Revenue, and county clerks when acting as agents of such departments], and any officer, employee, agent or contractor thereof, shall not disclose personal information about any person obtained by the department in connection with a motor vehicle record.	<p>§ 55-25-105: (a) Personal information shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 U.S.C. § 1231 et seq., the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. § 1901 et seq., the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. § 1381 et seq., the Anti-Car Theft Act of 1992, 15 U.S.C. § 2021 et seq., and the Clean Air Act, 42 U.S.C. § 7401 et seq., as amended, and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, these acts of congress.</p> <p>(b) personal information shall be disclosed for use in connection with matters concerning the federal selective services system.</p> <p>§ 55-25-106: Personal information may be disclosed to any requesting person, if the person demonstrates in the form and manner the department prescribes, that such person has obtained the written consent of the person who is the subject of the information.</p> <p>§ 55-25-107(b): Various permitted uses.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
55-25-107	Personal information in motor vehicle records	Tennessee Department of Safety and Homeland Security, Tennessee Department of Revenue, County Clerks (when acting as agents)	<p>(a) The department, or any officer, employee, or contractor of the department, shall not knowingly disclose or otherwise make available to any person or entity:</p> <p>(1) Personal information about any person obtained by the department in connection with a motor vehicle record, except as provided in this section; or</p> <p>(2) Highly restricted personal information about any person obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom that information applies, except uses permitted in subdivisions (b)(1), (b)(4), (b)(6), and (b)(9); provided, however, that this subdivision (a)(2) shall not in any way affect the administration of organ donation initiatives in this state.</p>	<p>(b) Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of Titles I and IV of the federal Anti-Car Theft Act of 1992, compiled in 15 U.S.C. § 2021 et seq., the federal Automobile Information Disclosure Act, compiled in 15 U.S.C. § 1231 et seq., the federal Clean Air Act of 1992, compiled in 42 U.S.C. § 7401 et seq., 49 U.S.C. § 30101 et seq., 49 U.S.C. § 30501 et seq., 49 U.S.C. § 32101 et seq., 49 U.S.C. § 33101 et seq., and, subject to subdivision (a)(2), may be disclosed for use as follows:</p> <p>(1) By any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state or local agency in carrying out its functions;</p> <p>(2) In connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of nonowner records from the original owner records of motor vehicle manufacturers;</p> <p>(3) In the normal course of business by a legitimate business or its agents, employees, or contractors, but only:</p> <p>(A) To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and</p> <p>(B) If the information so submitted is not correct or is no longer correct, to obtain the correct information, but only for purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual;</p> <p>(4) In connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court;</p> <p>(5) In research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;</p> <p>(6) By any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting;</p> <p>(7) In providing notice to the owners of towed or impounded vehicles;</p> <p>(8) By any licensed private investigative agency or licensed security service for any purpose permitted under this subsection (b);</p> <p>(9) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. § 31301 et seq.;</p> <p>(10) In connection with the operation of private toll transportation facilities;</p> <p>(11) For any other use in response to requests for individual motor vehicle records if the state has obtained the express consent of the person to whom the personal information pertains;</p> <p>(12) In bulk distribution for surveys, marketing or solicitations if the state has obtained the express consent of the person to whom the personal information pertains;</p> <p>(13) By any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains; and</p> <p>(14) For any other use specifically authorized under the law of this state, if that use is related to the operation of a motor vehicle or public safety.</p> <p>(f) Motor vehicle records, personal information, or highly restricted personal information shall be disclosed to any person by the department of revenue or the department of safety upon proof of the identity of the person requesting the record or information and representation by that person that the use of the personal information shall be strictly limited to one (1) or more of the permitted uses described in this section.</p>



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-1-411	Insurance, Examinations, Working papers	Tennessee Department of Commerce and Insurance	(f) All working papers, recorded information, documents and copies of working papers, recorded information and documents produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this chapter must be given confidential treatment and may not be made public by the commissioner or any other person.	(f) The parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained.  (d)(1) [Report of examination is to be given to examined/subject company for review].  (d)(4) Content of an examination report, preliminary examination report or results, or any matter relating to the reports or results, [may be disclosed to any other state or country or to the Tennessee] department of insurance, or to law enforcement officials of Tennessee or any other state or agency of the federal government, so long as the agency or office receiving the report or matters agrees in writing to hold it confidential and in a manner consistent with [§ 56-1-411].  (f) Access may also be granted to the National Association of Insurance Commissioners [NAIC].
56-1-420	Actuarial report, work papers, actuarial opinion summary	Tennessee Department of Commerce and Insurance	(b)(1) Notwithstanding § 10-7-503 or any other law to the contrary, documents, materials or other information in the possession or control of the department of commerce and insurance that are considered an actuarial report, work papers or actuarial opinion summary provided in support of the opinion, and any other material provided by the company to the commissioner in connection with the actuarial report, work papers or actuarial opinion summary, shall be confidential by law and privileged, shall not be subject to open records requests or sunshine laws, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.  (c) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information.	(b)(2) This subsection (b) shall not be construed to limit the commissioner's authority to release the documents to the Actuarial Board for Counseling and Discipline (ABCD) so long as the material is required for the purpose of professional disciplinary proceedings and that the ABCD establishes procedures satisfactory to the commissioner for preserving the confidentiality of the documents, nor shall this section be construed to limit the commissioner's authority to use the documents, materials or other information in furtherance of any regulatory or legal action brought as part of the commissioner's official duties.  (e) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner or of sharing by the commissioner under the section.
56-1-903(a)(4)	Insurance, Actuarial opinion of reserves, Working papers	Tennessee Department of Commerce and Insurance	(H) Except as provided in subdivisions (a)(4)(L)-(N), documents, materials or other information in the possession or control of the department that are a memorandum in support of the opinion, and any other material provided by the company to the commissioner in connection with the memorandum, shall be confidential by law and privileged, shall not be subject to § 10-7-501 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.  (I) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subdivision (a)(4)(H).	(H) However, the commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.  (L) A memorandum in support of the opinion, and any other material provided by the company to the commissioner in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this section or by regulation.  (M) The memorandum or other material may otherwise be released by the commissioner with the written consent of the company or to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material.  (N) Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum shall be no longer confidential.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-1-917	Insurance, Confidential information	Tennessee Department of Commerce and Insurance	<p>(b)(1) A company's confidential information [under the Standard Valuation Law] is confidential by law and privileged, and shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action.</p> <p>(2) Neither the commissioner nor any person who received confidential information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential information.</p> <p>(a) For purposes of this section, "confidential information" means:</p> <p>(1) A memorandum in support of an opinion submitted under § 56-1-903 and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such memorandum;</p> <p>(2) All documents, materials and other information, including, but not limited to, all working papers and copies, created, produced or obtained by or disclosed to the commissioner or any other person in the course of an examination made under § 56-1-914(f);</p> <p>(3) Any reports, documents, materials and other information developed by a company in support of, or in connection with, an annual certification by the company under § 56-1-915(b) (2) evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation and any other documents, materials and other information, including, but not limited to, all working papers and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such reports, documents, materials and other information;</p> <p>(4) Any principle-based valuation report developed under § 56-1-915(b)(3) and any other documents, materials and other information, including, but not limited to, all working papers and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such report;</p> <p>(5) Any documents, materials, data and other information submitted by a company under § 56-1-916, collectively, experience data, and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the commissioner (together with any experience data, the experience materials) and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such experience materials;</p> <p>(b)(6) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subdivision (b)(3);</p> <p>(b)(7) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection (b) shall be available and enforced in any proceeding in, and in any court of, this state.</p>	<p>(a)(2) If an examination report or other material prepared in connection with an examination made under § 56-1-411 is not held as private and confidential information under § 56-1-411, an examination report or other material prepared in connection with an examination made under § 56-1-914(f) shall not be confidential information to the same extent as if such examination report or other material had been prepared under § 56-1-411.</p> <p>(b)(3) [Provided the recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of documents, materials, data and other information in the same manner and to the same extent as required for the Commissioner, the Commissioner may share confidential information: With other governmental regulatory agencies and with the NAIC and its affiliates and subsidiaries; and information listed above in (1) and (4) with (i) the Actuarial Board for Counseling and Discipline, or its successor, upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings and (ii) state, federal and international law enforcement officials.]</p> <p>(c) Confidential information specified in subdivisions (a)(1) and (4):</p> <p>(1) May be subject to subpoena for the purpose of defending an action seeking damages; and</p> <p>(2) May otherwise be released by the commissioner with the written consent of the company.</p> <p>(3) A memorandum in support of an opinion submitted under § 56-1-903 or principle-based valuation report developed under § 56-1-915(b)(3) [shall no longer be confidential after any portion] is cited by the company in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the company to the news media.</p>
56-1-917(b)(4)	Privileged records received from other jurisdictions	Tennessee Department of Commerce and Insurance	The Commissioner . . . shall maintain as confidential or privileged any document, material, data or other information received with notice or understanding that it is confidential or privileged under the laws of the [source jurisdiction: the NAIC and its affiliates and subsidiaries; regulatory or law enforcement officials of other foreign or domestic jurisdictions; and the Actuarial Board for Counseling and Discipline, or its successor].	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-2-125	Health insurance, Payer claims database	Tennessee Department of Commerce and Insurance, Tennessee Department of Finance and Administration, Tennessee Health Information Committee	<p>(d)(2)(A) The all payer claims database, summaries, source or draft information used to construct or populate the all payer claims database, patient level claims data, reports derived from the all payer claims database, whether in electronic or paper form, shall not be considered a public record and shall not be open for inspection by members of the public under § 10-7-503(a)(1). Further, such information contained in the all payer claims database shall be considered confidential and not subject to subpoena.</p> <p>(e) [N]o information that could reveal the identity of any patient from the all payer claims database shall be made available to the public.</p> <p>(f)(2) The collection, storage and release of health and health care data and statistical information that is subject to the federal requirements of HIPAA shall be governed by the rules adopted in 45 CFR parts 160 and 164.</p> <p>(c)(6) The committee shall develop policies to make reports from the all payer claims database available as a resource to [insurers/employers/providers/purchasers of health care; the use of reports shall be subject to restrictions required by HIPAA and other applicable privacy laws and policies.]</p> <p>(d)(1) As required by HIPAA, the all payer claims database shall not publicly disclose any individually identifiable health information as defined in 45 CFR 160.103. Use of the all payer claims database shall be subject to restrictions required by HIPAA and other applicable privacy laws and policies.</p>	(d)(2)(A)(ii) Reports derived from the information shall only be released pursuant to rules adopted by the commissioner of the Department subsequent to consultation with the Tennessee health information Committee. Any release of reports shall not result in such information losing its confidentiality or cause it to be admissible, except in administrative proceedings authorized under the rules adopted by the commissioner.
56-2-801	Insurance, Confidential information	Tennessee Department of Commerce and Insurance	The commissioner [of the Department of Commerce and Insurance] shall maintain as confidential all information from the National Association of Insurance Commissioners (NAIC), any state or federal agency, and foreign countries that is confidential in those jurisdictions.	<p>The Commissioner may allow for the sharing of confidential [information] with the regulatory officials of any state or federal agency and foreign countries [if] the recipients are required, under their respective laws, to maintain such confidentiality.</p> <p>The Commissioner may allow for the sharing of otherwise confidential [information] with the NAIC [if] NAIC demonstrates by written statement its intent to maintain such confidentiality.</p>
56-3-111(b)	Health care liability claim settlement reports, Insurance	Tennessee Department of Health, Board of Medical Examiners, Board of Osteopathic Examination, Board of Dentistry	Insurance companies providing insurance coverage against civil liability for the death or personal injury of any person as the result of negligence or health care liability in the rendering of professional services by a licensed physician, either doctor of osteopathic medicine or doctor of medicine, or by a licensed dentist shall report to the state board of medical examiners or state board of osteopathic examination or the state board of dentistry any settlement of a claim or judgment, sealed, confidential or otherwise, of five thousand dollars (\$5,000) or more that arises out of a claim of negligence or health care liability on the part of an insured physician or dentist as distinguished from administrative matters. Such reports are confidential and not open to public inspection.	§ 56-3-111(b) The reported judgments and settlements contained in the reports, except those that are ordered sealed or to remain confidential by a court of competent jurisdiction, may be used to fulfill the requirements of the Health Care Consumer Right to Know Act of 1998, compiled in title 63, chapter 51.
56-5-107(a)	Trade secrets	Tennessee Department of Commerce and Insurance	All rates, supplementary rate information, policy forms, endorsements, and any supporting information filed under this part shall, as soon as filed, be open to public inspection at any reasonable time, except any information that is a trade secret under the Uniform Trade Secrets Act, compiled in title 47, chapter 25, part 17, as determined by the commissioner in the commissioner's sole discretion. The insurer or filer shall have the burden of asserting to the commissioner that the information is a trade secret. Insurers may file certain information with the commissioner for a determination as to whether it would be held to be a trade secret under this subsection (a). Such information shall not be made public during the pendency of the review.	Should it be determined that such information is not trade secret information, then the commissioner shall return such information to the insurer or filer. Copies of public information may be obtained by any person on request and upon payment of a reasonable charge.
56-5-205	Insurance scoring model or process filings	Tennessee Department of Commerce and Insurance	Insurers that use insurance scores to underwrite or rate risks must file their scoring models or other scoring processes with the department of commerce and insurance. A filing that includes insurance scoring shall include loss experience justifying the use of credit information. The filings shall be kept confidential by the commissioner of commerce and insurance and shall not be construed to be a public record pursuant to title 10, chapter 7.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-6-117(g)	Investigations, Termination of insurance producer	Tennessee Department of Commerce and Insurance	<p>(1)(A) All testimony, documents, other information in the control or possession of the department that is obtained by the commissioner in an investigation pursuant to this section shall, except as provided in subdivision (g)(1)(B), be confidential and absolutely privileged and shall not be:</p> <p>(i) Subject to § 10-7-503(a) or § 56-1-602;</p> <p>(ii) Subject to subpoena;</p> <p>(iii) Subject to discovery; or</p> <p>(iv) Admissible as evidence in any private civil action.</p>	<p>(1)(B) Notwithstanding subdivision (g)(1)(A), the commissioner is authorized to use the testimony, documents, and other information in the control or possession of the department in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties.</p> <p>(3) In order to assist in the performance of the commissioner's duties under this part, the commissioner may:</p> <p>(A) Share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subdivision (g)(1), with other state, federal, and international regulatory agencies, with the NAIC, its affiliates or subsidiaries, and with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information;</p> <p>(B) Receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the NAIC, its affiliates or subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and</p> <p>(C) Enter into agreements governing sharing and use of information consistent with this subsection (g).</p> <p>(4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subdivision (g)(3).</p> <p>(5) Nothing in this part shall prohibit the commissioner from releasing final, adjudicated actions including for cause terminations that are open to public inspection pursuant to § 10-7-503(a) to a database or other clearing-house service maintained by the NAIC, its affiliates or subsidiaries.</p>
56-6-120(a)	Investigations	Tennessee Department of Commerce and Insurance	<p>(3)(A) All testimony, documents, other information in the control or possession of the commissioner that is obtained in an investigation pursuant to this section shall, except as provided in subdivision (a)(3)(B), be confidential and absolutely privileged and shall not be:</p> <p>(i) Subject to § 10-7-503(a) or § 56-1-602;</p> <p>(ii) Subject to subpoena;</p> <p>(iii) Subject to discovery; or</p> <p>(iv) Admissible as evidence in any private civil action.</p>	<p>(3)(B)(i) The commissioner is authorized to use the testimony, documents, and other information in the control or possession of the department in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties;</p> <p>(ii) Subject to subsection (b), a person being investigated pursuant to this section, or counsel for such person, may obtain from the commissioner a copy of each and any inquisitorial order and complaint filed against the person. Further, upon initiation of a formal proceeding against any person, the person shall be entitled to any and all discovery rights available under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, or the Tennessee Rules of Civil Procedure.</p>
56-6-803(e)	Insurance, Licensure	Tennessee Department of Commerce and Insurance	Upon written request, the commissioner will furnish a summary of the basis for refusal to issue a [reinsurance intermediary] license, which document shall be privileged and not subject to the requirements of title 10, chapter 7.	
56-7-3112	Claims data, Pharmacy benefits	Tennessee Department of Finance and Administration	<p>(g) All documents containing individual claim and payment information specified in subsections (c) and (d) shall be confidential records and not subject to the requirements of title 10, chapter 7, relating to public inspection of records.</p> <p>(h) A state agency administering a PBM [Pharmacy benefits manager] contract may provide the information described in subsections (c) and (d) to a qualified independent auditor in accordance with § 4-3-1021; provided, the information is relevant to an audit authorized under § 4-3-1021, and the independent auditor has agreed to maintain the confidentiality of the information.</p>	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-8-107(d)	Examinations, Investigations	Tennessee Department of Commerce and Insurance	(1) All testimony, documents and other information submitted to the commissioner pursuant to this section, and all records and documents maintained pursuant to this section shall be privileged and shall not be disclosed pursuant to § 10-7-503 or § 56-1-602, nor shall they be admissible as evidence in any civil proceeding not brought by the commissioner.	(1) The commissioner, within the commissioner's discretion, may share the documents and information with other state or federal agencies, or with any law enforcement authority.  (2) Notwithstanding subdivision (d)(1), any person being investigated pursuant to this section, or counsel for such person, may obtain from the commissioner a copy of an inquisitorial order or any complaint filed against such person and a copy of any written, formal or recorded statements made by that person. Upon initiation of a formal proceeding against a person, such person shall be entitled to any and all discovery rights available under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, or the Tennessee Rules of Civil Procedure.
56-9-109(d)	Receivership for delinquent insurer	Tennessee Department of Commerce and Insurance	The appointment of the commissioner [of the Department of Commerce and Insurance] as receiver shall in no way operate to bring records of a delinquent insurer under § 10-7-503. If a third party successfully pursues a records request in the receivership court, the receiver shall be reimbursed for the reasonable cost of producing the records.	
56-9-202	Insurance, Proceeding against insurer	Tennessee Department of Commerce and Insurance, Courts	(a) In all proceedings and judicial reviews under § 56-9-201, all records of the insurer, other documents, and all insurance department files and court records and papers, so far as they pertain to, or are a part of, the record of the proceedings, shall be and remain confidential except as is necessary to obtain compliance . . . .Until the court order[s otherwise], all papers filed with the clerk of the chancery court of Davidson County shall be held by the clerk in a confidential file.	(a) Confidential unless and until the chancery court of Davidson County, after hearing arguments from the parties in chambers, shall order otherwise, or unless the insurer requests that the matter be made public.  (b) Subsection (a) shall not be applicable in any proceeding where the insurer on the date of the filing of the proceeding had derived fifty-one percent (51%) or more of its revenue for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program pursuant to title 71. In these cases, the records of the insurer, other documents, and all insurance department files and court records and papers, so far as they pertain to, or are a part of, the record of the proceeding and that reflect the financial solvency of the insurer, shall be open to public inspection under the Tennessee Public Records Act, compiled in title 10, chapter 7, unless otherwise required to be maintained as confidential under federal or state law. An insurer within fifteen (15) days from the date of seizure may apply to the court for a stay of application of this subsection (b), or for a protective order for particularized information that is proprietary in nature, the disclosure of which would be injurious to the rehabilitation of the insurer. This subsection (b) shall be stayed from the date of seizure until a court of competent jurisdiction rules on the application for a stay or a protective order.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-9-504	Insurance, Supervision of Insurers	Tennessee Department of Commerce and Insurance	(a) [P]roceedings, hearings, notices, correspondence, reports, records and other information in the possession of the commissioner or the department relating to the supervision of any insurer are confidential except as provided by this section.	(b) The personnel of the department have access to these proceedings, hearings, notices, correspondence, reports, records or information as permitted by the commissioner.  (c) The commissioner may open the proceedings or hearings or disclose the notices, correspondence, reports, records or information to a department, agency or instrumentality of this, or another, state or the United States, if the commissioner determines that the disclosure is necessary or proper for the enforcement of the laws of this state, another state or the United States.  (d) The commissioner may open the proceedings or hearings or make public the notices, correspondence, reports, records or other information if the commissioner deems that it is in the best interest of the public or in the best interest of the insurer, its insureds, creditors or the general public.  (e) This section does not apply to hearings, notices, correspondence, reports, records or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.  (f) This section does not apply to hearings, notices, correspondence, reports, records or other information obtained by the placing under supervision of any insurer who derived as of the date of the supervision fifty-one percent (51%) or more of its total revenues for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program pursuant to title 71. In these cases, the hearings, notices, correspondence, reports, records, or other information which reflect the financial solvency of the insurer obtained during the supervision shall be open to the public under the Tennessee Public Records Act, compiled in title 10, chapter 7, unless otherwise required to be maintained as confidential under the federal or state law. An insurer within fifteen (15) days from the notice of supervision may apply to the court for a stay of application of this subsection (f), or for a protective order for particularized information that is proprietary in nature, the disclosure of which would be injurious to the rehabilitation of the insurer. This subsection (f) shall be stayed from the notice of supervision until a court of competent jurisdiction rules on the application for a stay or a protective order.
56-10-301(d)	Insurance, Reports of material acquisition and disposition	Tennessee Department of Commerce and Insurance	All reports [of material transactions] obtained by or disclosed to the commissioner pursuant to this part shall be given confidential treatment and shall not be subject to subpoena and shall not be made public by the commissioner, the National Association of Insurance Commissioners, or any other person.	[Except to insurance departments of other states; With the prior written consent of the insurer to which it pertains; or after giving the insurer who would be affected notice and an opportunity to be heard pursuant to the Uniform Administrative Procedures Act, the commissioner determines that the interest of policyholders, shareholders or the public will be served by publication, in which event the commissioner may publish all or any part in the manner the commissioner may deem appropriate.]
56-11-103	Insurance filing	Tennessee Department of Commerce and Insurance	(a)(2) For purposes of this section, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the commissioner, with a copy to the insurer, confidential notice of its proposed divestiture at least thirty (30) days prior to the cessation of control. The commissioner shall determine those instances in which the party or parties seeking to divest or to acquire a controlling interest in an insurer will be required to file for, and obtain approval of, the transaction. The information shall remain confidential until the conclusion of the transaction.  (b)(2) Where a source of the consideration [used or to be used in effecting the merger or other acquisition of control] is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing the statement so requests.	(a)(2) Unless the commissioner, in the commissioner's discretion, determines that confidential treatment will interfere with enforcement of this section. If the statement referred to above is otherwise filed, this subdivision (a)(2) shall not apply.
56-11-104(c)	Insurance filing	Tennessee Department of Commerce and Insurance	The commissioner shall give confidential treatment to information submitted under this subsection (c) [Pre-acquisition Notification Waiting Period] in the same manner as provided in § 56-11-108.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-11-108	Insurance holding companies, Examinations, Investigations	Tennessee Department of Commerce and Insurance	<p>(a) Documents, materials or other information in the possession or control of the department that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to § 56-11-107, and all information reported pursuant to §§ 56-11-103(b)(12) and (13), 56-11-105 and 56-11-106, shall be confidential by law and privileged, shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.</p> <p>(e) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (c).</p>	(a) The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties [Listed in subsection (c)]. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer or health maintenance organization to which it pertains unless the commissioner, after giving the insurer or health maintenance organization and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders, enrollees, providers, shareholders or the public will be served by the publication thereof, in which event the commissioner may publish all or any part thereof, in the manner the commissioner may deem appropriate.
56-11-108(f)	Insurance	National Association of Insurance Commissioners (NAIC)	Documents, materials or other information in the possession or control of the NAIC pursuant to this part shall be confidential by law and privileged, shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.	
56-11-201(c)	Insurance filing, Health maintenance organizations, Proprietary information, Trade secrets	Tennessee Department of Commerce and Insurance	The [Own Risk and Solvency Assessment] ORSA Summary Report will contain confidential and sensitive information related to an insurer, health maintenance organization or insurance group's identification of risks material and relevant to the insurer, health maintenance organization or insurance group filing the report. This information will include proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer, health maintenance organization or insurance group if the information is made public. As such, the ORSA Summary Report shall be a confidential document filed with the commissioner and shared only as stated in this part and to assist the commissioner in the performance of the commissioner's duties, and that in no event shall the ORSA Summary Report be subject to public disclosure.	
56-11-208	Insurance, Risk and Solvency Assessment (RSA) information	Tennessee Department of Commerce and Insurance	<p>(a) Documents, materials or other information, including the ORSA [Own Risk and Solvency Assessment] Summary Report, in the possession of or control of the department that are obtained by, created by or disclosed to the commissioner or any other person under this part, is recognized by this state as being proprietary and to contain trade secrets. All such documents, materials or other information shall be confidential by law and privileged, shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.</p> <p>(c)(2) [The commissioner] may receive documents, materials or other ORSA-related information, including otherwise confidential and privileged documents, materials or information, including proprietary and trade-secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college as described in § 56-11-116, and from the NAIC, and shall maintain as confidential or privileged any documents, materials or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.</p>	(a) However, the commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties [described in (c)]. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer or health maintenance organization.
56-11-208(f)	Insurance, Meetings	National Association of Insurance Commissioners (NAIC)	Documents, materials or other information in the possession or control of the NAIC or a third-party consultant pursuant to this part [Risk Management and Own Risk Solvency Assessment] shall be confidential by law and privileged, shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.	
56-12-211(a)	Insurance, Meetings	Tennessee Department of Commerce and Insurance, National Association of Insurance Commissioners (NAIC)	<p>(a) To aid in the detection and prevention of insurer insolvencies or impairments, it shall be the duty of the commissioner to:</p> <p>(4) Furnish to the board of directors of the National Association of Insurance Commissioners, insurance regulatory information system ratios and listings of companies not included in the ratios developed by the National Association of Insurance Commissioners. The board may then use the information contained therein in carrying out its duties and responsibilities under this section. Such report and the information contained in the report shall be kept confidential by the board of directors.</p>	Until such time as made public by the commissioner or other lawful authority.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-12-211(c)	Insurance, Solvency, Meetings	Tennessee Department of Commerce and Insurance, Tennessee Life and Health Insurance Guaranty Association	The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter relative to the solvency, liquidation, rehabilitation or conservation of any member insurer or relative to the solvency of any company seeking to transact insurance business in this state. Such reports and recommendations shall not be considered public documents.	
56-12-211(e)	Examinations	Tennessee Department of Commerce and Insurance, Tennessee Life and Health Insurance Guaranty Association	(1) Within thirty (30) days of the receipt of such request [that the commissioner order an examination of any member insurer that the board in good faith believes may be an impaired or insolvent insurer], the commissioner shall begin such examination. . . the examination report shall be treated as are other examination reports.  (2) The request for an examination shall be kept on file by the commissioner, but it shall not be open to public inspection prior to the release of the examination report to the public.	
56-13-103(c)(3)	Insurance filing, Licensure	Tennessee Department of Commerce and Insurance	Information submitted pursuant to this subsection (c) [by an applicant business entity to receive a license to issue policies of insurance as a captive insurance company in Tennessee] shall be and remain confidential, and shall not be made public by the commissioner without the written consent of the captive insurance company,	Except that: (A) Such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:  (i) The information sought is relevant to and necessary for the furtherance of such action or case;  (ii) The information sought is unavailable from other non-confidential sources; and  (iii) A subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the commissioner; provided, however, that this subdivision (c)(3) shall not apply to any risk retention group; and  (B) The commissioner shall have the discretion to disclose such information to a public officer having jurisdiction over the regulation of insurance in another state; provided, that:  (i) Such public official shall agree in writing to maintain the confidentiality of such information; and  (ii) The laws of the state in which such public official serves require such information to be and to remain confidential.
56-13-108(b)	Insurance filing, Captive insurance companies	Tennessee Department of Commerce and Insurance	The commissioner shall by rule propose the forms in which pure captive insurance companies and industrial insured captive insurance companies shall report. Section 56-13-103(c)(3) shall apply to each report filed pursuant to this section; provided, that § 56-13-103(c)(3) shall not apply to reports filed by risk retention groups.	
56-13-109(d)	Insurance, Examinations, Working papers, Captive insurance companies	Tennessee Department of Commerce and Insurance	All examination reports, preliminary examination reports or results, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this section are confidential and are not subject to subpoena and may not be made public by the commissioner or an employee or agent of the commissioner without the written consent of the captive insurance company.	Except to the extent provided in this subsection (d). Nothing in this subsection (d), shall prevent the commissioner from using such information in furtherance of the commissioner's regulatory authority under this title. The commissioner shall have the discretion to grant access to such information to public officers having jurisdiction over the regulation of insurance in any other state or country, or to law enforcement officers of this state or any other state or agency of the federal government at any time, only if the officers receiving the information agree in writing to maintain the confidentiality of the information in a manner consistent with this subsection (d).



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-13-404	Insurance filing	Tennessee Department of Commerce and Insurance	Information submitted [by a Special Purpose Financial Captive company (SPFC)] pursuant to this section [in applying for a certificate of authority to transact insurance or reinsurance business as authorized by this part] shall be and remain confidential, and shall not be made public by the commissioner without the written consent of the company.	<p>Except that:</p> <p>(1) Such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:</p> <p>(A) The information sought is relevant to and necessary for the furtherance of such action or case;</p> <p>(B) The information sought is unavailable from other non-confidential sources; and</p> <p>(C) A subpoena issued by a judicial or administrative officer of competent jurisdiction has been submitted to the commissioner; and</p> <p>(2) The commissioner shall have the discretion to disclose such information to a public officer having jurisdiction over the regulation of insurance in another state; provided, that:</p> <p>(A) Such public official shall agree in writing to maintain the confidentiality of such information; and</p> <p>(B) The laws of the state in which such public official serves require such information to be and to remain confidential.</p>
56-22-115(d)	Insurance, Examinations, Working papers	Tennessee Department of Commerce and Insurance	All working papers, recorded information, documents or copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination [of a county mutual insurance company] made under this chapter shall be given confidential treatment and may not be made public by the commissioner or any other person.	Except to the extent provided under § 56-1-411. Access may also be granted to the National Association of Insurance Commissioners under § 56-2-801, or to any other state or federal agency or law enforcement authority as the commissioner deems appropriate.
56-32-135	Health maintenance organizations, Investigations	Tennessee Department of Commerce and Insurance	Any information and documentation obtained by the department [of Commerce and Insurance] pursuant to § 56-32-117(c) [supervision, rehabilitation, or liquidation] or § 56-32-132 [regulation and oversight] [of HMOs that participate in the TennCare program or successor program], shall be considered confidential.	Unless the commissioner in the commissioner's sole discretion determines to disclose the information or documentation.
56-37-118	Premium Finance Company Act, Licensure	Tennessee Department of Financial Institutions	<p>(1) The requirements under any federal or state law regarding the privacy or confidentiality of any information or material provided to a multi-state automated licensing system, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to such information or material, continue to apply to the information or material after it has been disclosed to a multi-state automated licensing system. The information or material may be shared with all state and federal regulatory officials with premium finance company oversight authority without the loss of privilege or confidentiality protections provided by federal or state law, including the protection available under § 45-1-120;</p> <p>(4) This section supersedes any inconsistent provisions of title 10, chapter 7, part 5, pertaining to the records open to public inspection.</p>	(5) This section does not apply with respect to information or material relating to publicly adjudicated disciplinary and enforcement actions against persons subject to this chapter that is included in a multi-state automated licensing system for access by the public.
56-46-108(a)	Meetings, Risk-Based Capital (RBC) report hearing	Tennessee Department of Commerce and Insurance	<p>The insurer shall have the right to a confidential departmental hearing, on a record, at which the insurer may challenge any determination or action by the commissioner, upon any of the following:</p> <p>(1) Notification to an insurer by the commissioner of an Adjusted RBC Report; or</p> <p>(2) Notification to an insurer by the commissioner that:</p> <p>(A) The insurer's RBC Plan or Revised RBC Plan is unsatisfactory; and</p> <p>(B) The notification constitutes a Regulatory Action Level Event with respect to the insurer; or</p> <p>(3) Notification to any insurer by the commissioner that the insurer has failed to adhere to its RBC Plan or Revised RBC Plan and that the failure has a substantial adverse effect on the ability of the insurer to eliminate the Company Action Level Event with respect to the insurer in accordance with its RBC Plan or Revised RBC Plan; or</p> <p>(4) Notification to an insurer by the commissioner of a Corrective Order with respect to the insurer.</p>	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-46-109	Risk-Based Capital (RBC) reports	Tennessee Department of Commerce and Insurance	(a) All RBC reports, to the extent the information in the report is not required to be set forth in a publicly available annual statement schedule, and RBC Plans, including the results or report of any examination nor analysis of an insurer performed pursuant to this part and any corrective order issued by the commissioner pursuant to examination or analysis, with respect to any domestic or foreign insurer that are in the possession or control of the department of commerce and insurance shall be confidential by law and privileged, shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.	(a) However, the commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. [Information in the report that is required to be set forth in a publicly available annual statement schedule is not confidential.]  (e) [To assist in the performance of the commissioner's duties, the commissioner may share the documents, materials, or information made confidential by subsection (a) with state, federal, and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with state, federal and international law enforcement if the recipient agrees to maintain the confidentiality and privileged status of the document.]  (f) Disclosure of documents, materials or information to the commissioner under this section or as a result of sharing as authorized in subsection (e) shall not constitute waiver of any applicable privilege or claim of confidentiality.
56-46-208	Risk-Based Capital (RBC) reports and plans	Tennessee Department of Commerce and Insurance	(a) All Risk Based Capital (RBC) reports . . . and plans, including the results or report of any examination or analysis of a health organization performed pursuant to [part 2 of chapter 46 of title 56] and any corrective order issued by the commissioner pursuant to examination or analysis, with respect to a domestic health organization or foreign health organization that are in the possession or control of the department of commerce and insurance shall be confidential by law and privileged, shall not be subject to § 10-7-503 or § 56-1-602, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.  (b) Neither the Commissioner nor any person who received documents, materials or other information while acting under the authority of the Commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information deemed confidential and privileged under the subsection.	(a) [Information in RBC reports required to be included in a publicly available annual statement schedule is not confidential.] The Commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties, including as described in (c).
56-47-112(a)(5)	Proprietary information	Tennessee Department of Commerce and Insurance	The commissioner may require each insurer to file a summary of the insurer's anti-fraud activities and results. The anti-fraud plans and the summary of the insurer's anti-fraud activities and results are not public records and are exempt from title 10, chapter 7, part 5, and shall be proprietary and not subject to public examination, and shall not be discoverable or admissible in civil litigation.	
56-50-107(e)(3)	Insurance, Examinations, Working papers	National Association of Insurance Commissioners (NAIC)	Documents, materials or other information, including, but not limited to, all working papers, and copies thereof, in the possession or control of the NAIC and its affiliates and subsidiaries shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action if they are:  (A) Created, produced or obtained by or disclosed to the NAIC and its affiliates and subsidiaries in the course of assisting an examination made under this chapter [Tennessee Viatical Settlement Act of 2009], or assisting a commissioner in the analysis or investigation of the financial condition or market conduct of a licensee; or  (B) Disclosed to the NAIC and its affiliates and subsidiaries under subdivision (e)(4) by a commissioner.	

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-50-107(e)	Examinations, Investigations, Working papers, Viatical settlement	Tennessee Department of Commerce and Insurance	<p>(1) Names and individual identification data for all viators shall be considered private and confidential information and shall not be disclosed by the commissioner, unless specifically required by law.</p> <p>(2)(A) Except as otherwise provided in this chapter, all examination reports, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the commissioner or any other person in the course of an examination made under this chapter, or in the course of analysis or investigation by the commissioner of the financial condition or market conduct of a licensee shall be confidential by law and privileged, shall not be subject to § 10-7-503, shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action.</p> <p>(7) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection (e) shall be available and enforced in any proceeding in, and in any court of, this state.</p>	<p>(2)(A) The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties.</p> <p>(6) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subdivision (e)(5).</p> <p>(8) Nothing contained in this chapter shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the commissioner of any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time or to the NAIC, so long as such agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this chapter.</p>
56-50-114(e)	Investigations, Viatical settlements, Fraud	Tennessee Department of Commerce and Insurance	<p>(1) The documents and evidence provided pursuant to subsection (d) or obtained by the commissioner in an investigation of suspected or actual fraudulent viatical settlement acts shall be privileged and confidential and shall not be a public record and shall not be subject to discovery or subpoena in a civil or criminal action.</p>	<p>(2) Subdivision (e)(1) does not prohibit release by the commissioner of documents and evidence obtained in an investigation of suspected or actual fraudulent viatical settlement acts:</p> <p>(A) In administrative or judicial proceedings to enforce laws administered by the commissioner;</p> <p>(B) To federal, state or local law enforcement or regulatory agencies, to an organization established for the purpose of detecting and preventing fraudulent viatical settlement acts or to the NAIC; or</p> <p>(C) At the discretion of the commissioner, to a person in the business of viatical settlements that is aggrieved by a fraudulent viatical settlement act.</p> <p>(3) Release of documents and evidence under subdivision (e)(2) does not abrogate or modify the privilege granted in subdivision (e)(1).</p>
56-51-150(a)	Medical Information	Prepaid Limited Health Service Organization	Any information pertaining to the diagnosis, treatment, or health of any enrollee of a prepaid limited health service organization is confidential and exempt from § 10-7-503.	Any information pertaining to the diagnosis, treatment, or health of any enrollee of a prepaid limited health service organization shall only be available pursuant to specific written consent of the enrollee, or as otherwise provided by law. With respect to any information pertaining to the diagnosis, treatment, or health of any enrollee or applicant, a prepaid limited health service organization is entitled to claim any statutory privileges against disclosure that the provider who furnished the information to the prepaid limited health service organization is entitled to claim.
56-51-150(b)	Proprietary information	Prepaid Limited Health Service Organization	Any proprietary financial information contained in contracts entered into with providers by prepaid limited health service organizations is confidential and exempt from § 10-7-503.	
56-51-150(c)	Examinations, Investigations, Health services	Tennessee Department of Commerce and Insurance	Any information obtained or produced by the department pursuant to an examination or investigation [under the Tennessee Prepaid Limited Health Service Organization Act of 2000] is confidential and exempt from § 10-7-503.	Until (1) the examination report has been filed and adopted by the commissioner or (2) the time, if ever, the information is used in litigation by the commissioner or in a contested case. Except for active criminal intelligence or criminal investigative information; personal financial and medical information; information that would defame or cause unwarranted damage to the good name or reputation of an individual; information that would impair the safety and financial soundness of the licensee or affiliated party; proprietary financial information; or information that would reveal the identity of a confidential source, all information obtained by the department pursuant to an examination shall be available after the examination report has been filed.
56-53-109( c)	Investigations, Insurance fraud	Tennessee Department of Commerce and Insurance, Law Enforcement Agencies	All documents or other information submitted to or generated by a law enforcement, regulatory, licensing or other governmental agency pursuant to subsection (a) [for the purpose of detecting, prosecuting or preventing insurance fraud] or (b) [reasonable belief that an act violating § 56-53-102 [Fraudulent Insurance Act] or § 56-53-103 [Unlawful Insurance Act] will be, is being, or has been committed] shall not be subject to disclosure pursuant to the public records laws, codified in title 10, chapter 7, and shall be confidential.	Unless disclosed by the law enforcement, regulatory, licensing or other governmental agency at the agency's sole discretion.
56-53-111(a)(3)	Proprietary information	Tennessee Department of Commerce and Insurance	The commissioner may require each insurer [with direct written premiums exceeding ten million dollars] to file a summary of the insurer's anti-fraud activities and results. The anti-fraud plans and the summary of the insurer's anti-fraud activities and results are not public records and are exempt from the public records act, and shall be proprietary and not subject to public examination, and shall not be discoverable or admissible in civil litigation.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
56-54-107	Health care liability reporting	Tennessee Department of Commerce and Insurance	(a) The information submitted to the department of commerce and insurance pursuant to this chapter [Tennessee Health Care Liability Reporting Act] shall be confidential, shall not be subject to public inspection, shall not be subject to discovery, subpoena or legal compulsion for release to any person or entity and shall not be admissible in any criminal, civil or administrative proceeding.	(c) The commissioner may share information received pursuant to this chapter with the National Association of Insurance Commissioners, other state insurance departments or other appropriate government entities; however, the commissioner shall not share any data related to an open or pending claim to any other jurisdiction and such shared data shall not include the license number or any other personal identification of any health care provider.
56-60-105(d)	Health care service billings and reimbursements		(1) All information made available to a provider in accordance with the requirements of this chapter [Preferred Provider Organization Transparency Act] shall be confidential and shall not be disclosed to any individual or entity not involved in the provider's practice or the administration of such practice without the prior written consent of the contracting entity.	(3) This subsection (d) shall not preclude the information being disclosed for purposes of dispute resolution, enforcement of this chapter or assistance in enforcing this chapter.
56-63-109(c)	Insurance fraud	Tennessee Department of Commerce and Insurance, Law Enforcement Agencies	All documents or other information submitted to or generated by a law enforcement, regulatory, licensing or other governmental agency pursuant to subsection (a) or (b) shall not be subject to disclosure pursuant to the public records laws, codified in title 10, chapter 7, and shall be confidential unless disclosed by the law enforcement, regulatory, licensing or other governmental agency at the agency's sole discretion.	
59-8-406(d)	Coal surface mining permits	Tennessee Department of Environment and Conservation (TDEC), County Registers of Deeds	Information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding any mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.	
59-8-413(e)(2)	Coal surface mining and reclamation operations	Tennessee Department of Environment and Conservation (TDEC)	The identity of any person supplying information [that any person is in violation of any requirement of part 4, chapter 8, title 59 (Coal Surface Mining Act of 1987)] shall remain confidential if requested by such person.	
60-1-504(b)(4)	Mineral test hole data	Tennessee Department of Environment and Conservation (TDEC), Board of Water Quality, Oil and Gas	Require on all mineral test holes the keeping of data and the filing of such data with the supervisor which are appropriate to the purposes of this chapter. Oil, gas and hydrologic data obtained from the drilling of mineral test holes are deemed appropriate to the purposes of this part. This information shall be held confidential by the supervisor [TDEC commissioner or designee] for a period of six (6) months at the request of the operator.	
60-1-505(c)	Mineral test hole data	Tennessee Department of Environment and Conservation (TDEC)	All information pertaining to the application for and issuance of permits for mineral test holes subject to this part shall be held confidential.	
62-1-115	Working papers, Accountants		(a) Subject to § 62-1-116, all statements, records, schedules, working papers and memoranda incident to or in the course of rendering services to a client, made by a licensee or a partner, shareholder, officer, director, member, manager or employee of a licensee, except the reports submitted by the licensee to the client and except for records that are part of the client's records, shall be and remain the property of the licensee in the absence of an express agreement between the licensee and the client to the contrary. No such statement, record, schedule, working paper or memorandum shall be sold, transferred or bequeathed without the consent of the client or the client's personal representative or assignee to anyone other than one (1) or more surviving partners, stockholders, members or new partners, new stockholders or new members of the licensee, or any combined or merged firm or successor in interest to the licensee.	(a) Nothing in this section should be construed as prohibiting any temporary transfer of working papers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to § 62-1-116.  (b) A licensee shall furnish to a client or former client, upon request and reasonable notice:  (1) A copy of the licensee's working papers, to the extent that the working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and  (2) Any accounting or other records belonging to or obtained from or on behalf of the client that the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of the documents of the client when they form the basis for work done by the licensee.
62-1-116	Privileged communications, Accountants		(a) Licensees shall not divulge, nor shall they in any manner be required to divulge, any information that is communicated to them or obtained by them by the reason of the confidential nature of their employment. The information shall be deemed confidential.  (b) Information derived as a result of such professional employment is deemed to be confidential.	(a) Nothing in this subsection (a) shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or as prohibiting disclosures in investigations or proceedings under this chapter, in ethical investigations conducted by private professional organizations or in the course of peer reviews, or to other persons active in the organization performing services for that client on a need to know basis or to persons in the entity who need this information for the sole purpose of assuring quality control. Disclosure of confidential information pursuant to this subsection (a) shall not constitute a waiver of the confidential nature of the information for any other purpose.  (b) Nothing in this chapter [1, title 62] shall be construed as modifying, changing or affecting the criminal or bankruptcy laws of this state or of the United States.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
62-1-202	Peer review, Accountants	Tennessee State Board of Accountancy	(a) The proceedings, records, and work papers of [an accountancy] peer review committee shall be privileged and confidential and shall not be subject to discovery, subpoena, or other means of legal process or introduction into evidence in any civil action, arbitration, or administrative proceeding other than a state board of accountancy proceeding.	(a) Information, documents, or records that are publicly available are not immune from discovery or use in any civil action, arbitration, administrative proceeding, or state board of accountancy proceeding merely because they were presented or considered in connection with the peer review process.  (b) The privilege does not apply to materials prepared in connection with a particular engagement merely because they happen to be subsequently presented or considered as part of the peer review process, nor does it apply to disputes between review committees and persons or firms subject to a peer review arising from the performance of the peer review.
62-6-124	Financial statements	Tennessee Department of Commerce and Insurance, Board for Licensing Contractors	(a) The financial statements submitted by contractors shall be treated as confidential and shall be used by the board [for licensing contractors] only for the purposes of determining the qualifications of applicants for licenses and the monetary limitations.	(b) The comptroller of the treasury or the comptroller's designated representative shall be accorded access to and may examine any financial statement solely for the purpose of a legitimate audit, § 10-7-508 to the contrary notwithstanding.
62-20-119	Financial information, Licensure	Tennessee Department of Commerce and Insurance, Tennessee Collection Service Board	Any financial information submitted by applicants for or holders of licenses pursuant to chapter 20, title 62 shall be treated as confidential and shall be used by the board only for the purpose of determining qualifications to engage in the collection service business.	
62-27-124(b)	Polygraph Examinations	Law Enforcement Agencies	No records [polygraph charts, question sheets, written reports, data sheets, opinions of the polygraph examiner based on chart analysis and other pertinent papers ] obtained by law enforcement officers or employees during official polygraph examinations shall be subject to disclosure under this chapter.	
62-36-115	Licensure, Geologists	Tennessee Department of Commerce and Insurance	(c) The following shall be treated as confidential and may not be disclosed except by order of a court of competent jurisdiction or by permission of the applicant:  (1) Applications and other personal information submitted by applicants [for licensure as a geologist], except to the applicant, the department, its staff or the advisory committee; and  (2) Information submitted by a reference concerning an applicant, except to the department, its staff or the advisory committee.	(a) The department shall keep a public record of its proceedings and a register of all applicants for licensure.
62-39-301(d)(3)	Criminal history background check, Fingerprints, Licensure, Appraisers	Tennessee Department of Commerce and Insurance, Real Estate Appraiser Commission	The [Real Estate Appraiser] commission shall treat and maintain an applicant's fingerprints and any criminal history record information obtained under this section as confidential and limit the use of records solely to the purposes authorized in this section. The fingerprints and any criminal history record information shall not be subject to subpoena, other than one issued in a criminal action or investigation, and shall be confidential by law and privileged, and shall not be subject to discovery or admissible in evidence in any private civil action.	
62-43-104	Professional employer service providers	Tennessee Department of Labor and Workforce Development, Tennessee Department of Commerce and Insurance	All records, reports and other information obtained from an applicant or registrant under this chapter, except to the extent necessary for the proper administration of this chapter by the department, shall be confidential and shall not be published or open to public inspection.	Records may be made available to public employees in the actual performance of their public duties.
62-43-109	Professional employer organizations	Tennessee Department of Labor and Workforce Development, Division of Employment Security	All information furnished [by a professional employer organization] to the department of labor and workforce development under this subsection (c) [when filing an application for an account number for each client having one (1) or more covered employees in Tennessee] shall be treated as confidential information as provided in § 50-7-701 and as amended.	
63-1-117	Investigations	Tennessee Department of Health	(f) [Listed] materials, documents, and other matters related to, or compiled or created pursuant to, an investigation conducted by or on behalf of the department [of health] shall be confidential and shall not be a public record or subject to subpoena before formal disciplinary charges are filed against the provider [health care professionals, establishments or facilities licensed, registered, certified or permitted pursuant to this title or title 68 and regulated either under the authority of the department of health or any agency, board, council or committee attached to the department.]	(g) After the filing of formal disciplinary charges against the provider, only the materials and documents upon which the charges are based may be disclosed as a public record, but not the complainant's identifying information, identifying information of a witness who requests anonymity, patient's identifying information, patient's medical record or investigator's report.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
63-1-136	Impaired health practitioners	Tennessee Department of Health, Division of Health Related Boards	<p>(b) Regulatory boards, commissions and agencies attached to the division of health related boards, in addition to other enumerated powers and duties, have the power to enter into agreements, provide grants and make other arrangements with statewide nonprofit professional associations or their affiliated foundations to identify and assist impaired professionals who are licensed, registered or certified by the respective regulatory boards, commissions and agencies.</p> <p>(d) All information, interviews, reports, statements, memoranda and other data furnished to a nonprofit professional association or its affiliated foundation and any findings, conclusions or recommendations resulting from the proceedings of such professional association or its affiliated foundation are privileged and confidential. The records of such proceedings of the affiliated foundation or association shall be used only in the exercise of proper functions of the regulatory board, commission or agency attached to the division of health related boards and shall not become public record nor be made available for court subpoena or discovery proceedings.</p>	
63-1-138	Screening panels	Tennessee Department of Health, Division of Health Related Boards, Medical Laboratory Board, Board of Alcohol and Drug Counselors, Emergency Medical Services Board	<p>(c) Any documents or records produced at the screening panel shall be exempt from the public records law, compiled in title 10, chapter 7.</p> <p>(b) The activities of the screening panels and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings law, compiled in title 8, chapter 44, and shall remain confidential.</p>	(c) [The exemption ends once there is a filing of a notice of charges based on documents or records.]
63-1-150	Healthcare services	Tennessee Department of Health, Division of Health Related Boards; Healthcare Organizations	<p>(d)(1) Records of a healthcare organization quality improvement committee (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.</p> <p>(d)(3) Information and documents disclosed by one (1) QIC to another QIC, and any information and documents created or maintained as a result of the sharing of such information and documents, shall be confidential, privileged and protected from direct or indirect means of discovery, subpoena or admission into evidence, to the same extent as provided in subdivision (d)(1).</p> <p>(f) The disclosure of confidential, privileged QIC information to such [specified] entities during advocacy or as a report to the health-related boards, or to the affected healthcare provider under review, does not constitute either a waiver of confidentiality or privilege.</p>	<p>(d)(2) Any information, documents or records, which are not produced for use by a QIC or which are not produced by persons acting on behalf of a QIC, and are otherwise available from original sources, shall not be construed as immune from discovery or use in any judicial or administrative proceedings merely because such information, documents or records were presented during proceedings of such committee.</p> <p>(a) This section shall not apply to §§ 63-4-118, 63-5-131, 63-10-402 -- 63-10-405, 63-11-220, 63-12-138 and 68-11-272.</p>
63-2-101	Immunization	Tennessee Department of Health	<p>(f) All information received by the department pursuant to this part from any source shall be confidential and unavailable to the public.</p> <p>(g) The names of all children shall be included on the immunization registry established by title 37, chapter 10, part 4, unless such child's custodial parent or guardian objects to the inclusion of the child's name on the immunization registry to the department. The department shall notify the child's custodial parent or guardian in writing within six (6) months of the child's birth that inclusion on the immunization registry is not mandatory. Upon such written or oral request of exclusion by the child's custodial parent or guardian, the department shall either remove the child's name from the immunization registry or refrain from adding the child's name to the immunization registry and confirm in writing to the child's custodial parent or guardian that the child's name has been excluded from the immunization registry.</p>	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
63-2-101(b)	Medical records		<p>(1)(A) [S]uch patient's medical records shall not constitute public records, and nothing contained in this part shall be deemed to impair any privilege of confidentiality conferred by law on patients, their personal representatives or heirs. Nothing in this subsection (b) shall impair or abridge the right of the patient or the patient's authorized representative to obtain copies of the patient's hospital records in the manner provided in § 68-11-304. Nothing in this subsection (b) shall be construed as prohibiting a patient's medical records from being subpoenaed by a court of competent jurisdiction.</p> <p>(B) As used in subdivision (b)(1)(A), "medical records" includes any list of patients that is compiled or maintained by or for such patient's health care provider.</p> <p>(2) Except for any statutorily required reporting to health or government authorities and except for access by an interested third-party payer or their designee for the purpose of utilization review, case management, peer reviews or other administrative functions, the name and address and other identifying information of a patient shall not be divulged. The name and address and other identifying information shall not be sold for any purpose.</p>	
63-5-131(d)	Meetings, Peer review, Dentists	Tennessee Department of Health, Dental Peer Review Committee	All information, interviews, reports, statements, memoranda or other data furnished to any such peer review committee or other entity and any findings, conclusions or recommendations resulting from the proceedings of such committee or other entity are privileged. The records and proceedings of any such committee or other entity are confidential and shall be used by such committee or other entity and the members thereof only in the exercise of the proper functions of the committee or other entity and shall not become public record nor be available for court subpoena or discovery proceedings. Nothing contained in this subsection (d) applies to records, documents or information otherwise available from original sources, such records, documents or information not to be construed as immune from discovery or use in any civil proceeding solely due to presentation to the committee.	§ 63-5-124 (b)(2) The board may, upon finding of probable cause, require a dentist, dental hygienist or dental assistant to complete drug and/or alcohol treatment through a program designated by, or contracting with, the board. The board in its discretion is authorized to share information, interviews, reports, statements, memoranda or other data at the program director's request. Information shared between the board and the program director shall be deemed not to violate laws requiring confidentiality of investigations or peer review records protected under § 63-5-131.
63-6-214(h)(1)	Investigations	Tennessee Department of Health, Board of Medical Examiners	<p>All materials, documents and other matters relating to, compiled or created pursuant to an investigation conducted by the board [of Medical Examiners] investigators against any health care practitioner under the board's jurisdiction, shall be exempt from the public records act until the filing of a notice of charges. After the filing of a notice of charges, only the information and those materials and documents upon which the charges are based are available for disclosure under the public records act; provided, that the identifying information of the following, as well as all investigator created documents and reports, shall remain confidential at all times unless and until introduced in the proceedings:</p> <p>(A) A complainant;</p> <p>(B) Any witness who requests anonymity;</p> <p>(C) A patient; and</p> <p>(D) Medical records.</p>	
63-6-214(i)(3)	Investigations	Tennessee Department of Health, Board of Medical Examiners, Screening Panels	The activities of the screening panels and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings law, compiled in title 8, chapter 44, and, to the extent required by subdivision (h)(2), shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the board and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution or civil lawsuit that may result from or be incident to cases processed before them.	
63-6-221(j)	Investigations	Tennessee Department of Health, Board of Medical Examiners	The results of all complaint investigations by department staff shall be transmitted to the board for resolution; however, that information shall at all times be maintained as confidential and not available to the public except to the extent § 63-1-117(g) applies.	
63-6-221(l)	Claims data for office-based surgery	Tennessee Department of Health	The claims data for office-based surgery reported to the commissioner under the section are confidential and not available to the public until the commissioner processes and verifies the data. The commissioner shall prescribe conditions under which the processed and verified data are available to the public. No information shall be made available to the public by the commissioner that reasonably could be expected to reveal the identity of any patient.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
63-6-221(s)	Reportable event report	Tennessee Department of Health, Board of Medical Examiners	The reporting form and any supporting documentation [related to an unanticipated event described in (q) including information specified in (r)] reviewed or obtained by the board pursuant to the section and any amendments to the reports shall be confidential and not subject to discovery, subpoena or legal compulsion for release to any person or entity. The records shall not be admissible in any civil or administrative proceeding, other than a disciplinary proceeding by the board; nor shall they be subject to any open records request made pursuant to title 10, chapter 7, part 5 or any other law. This section shall not affect any of the provisions of or limit the protections provided by § 63-1-150.	
63-6-228	Health care data	Community Health Management Information System (CHMIS)	(e) All collected data of the CHMIS are declared to be privileged and shall not be public records nor be available for court subpoena or for discovery proceedings.  (b)(1) "Collected data" means health care data consisting of all information, interviews or other reports, statements, memoranda or other information furnished from all sources and in whatever form to the quality assessment committee, together with the records, reports, proceedings and other information used by the quality assessment committee to reach its conclusions in the form of releasable data as defined in this section.	(e) The CHMIS, through a quality executive committee or similar committee, shall establish particular categories of health care data and refinement periods for each category of health care data, whether such data is collected data or releasable data. Releasable data shall be subject to the privileges and limitations of collected data for refinement periods as determined by the quality executive committee. When the refinement period has expired for a particular category of releasable data, then such immunities and privileges set forth in this subsection (e) shall no longer apply to the releasable data for such category. The disclosure of confidential, privileged quality assessment committee information to original sources during the refinement period, or as a report by the quality assessment committee to the quality executive committee, the CHMIS board of directors or another executive committee within the CHMIS, prior to the expiration of the refinement period does not constitute either a waiver of confidentiality or privilege. Nothing contained in this subsection (e) applies to records made in the regular course of business by a hospital or other provider of health care and information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented during the refinement period of the quality assessment committee.
63-6-1302	Licensure, Disciplinary records, Investigations	Interstate Medical Licensure Compact Commission	Section 8. (f) All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.  Section 9. (a) Licensure and disciplinary records of physicians are deemed investigative. (d) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.	
63-7-115(c )(3)	Investigations	Tennessee Department of Health, Board of Nursing, Screening Panels	The activities of the screening panels and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings law, compiled in title 8, chapter 44, and shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the board and are not subject to deposition or subpoena to testify regarding any matter or issue raised in any contested case, criminal prosecution or civil lawsuit that may result from or be incident to cases processed before them.	
63-7-125	Privileged communications		(a) The confidential communications between a client and a registered nurse who is nationally certified as a specialist in psychiatric and mental health nursing and who is practicing in that specialty are considered equivalent to the confidential communications between a patient and a licensed physician practicing as a psychiatrist, under laws addressing privilege and confidentiality and shall have the same protections accorded to patient-psychiatrist communications under § 24-1-207.	(b) Nothing in this section shall be construed to prevent disclosure of confidential communications in proceedings arising under title 37, chapter 1, part 4, concerning mandatory child abuse reports or in proceedings arising under title 71, chapter 6, part 1 concerning mandatory adult abuse reports.  See § 37-1-614 child sexual abuse.



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
63-7-402	Meetings	Interstate Commission of Nurse Licensure Compact Administrators	<p>Article VII.b.6. All minutes and documents of a closed meeting [of the Commission] shall remain under seal.</p> <p>Article VII.c. 3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed.</p> <p>Article VI. Coordinated Licensure Information System and Exchange of Information</p> <p>c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials) and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.</p> <p>d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.</p> <p>e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.</p>	Article VII.b.6. [Closed meeting minutes and documents] are subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.
63-9-117(j)	Investigations	Tennessee Department of Health, Board of Osteopathic Examination	The results of all complaint investigations by department [of health] staff shall be transmitted to the board [of Osteopathic Examination] for resolution; however, the information shall at all times be maintained as confidential and not available to the public except to the extent § 63-1-117(b) applies.	§ 63-1-117(b) This section shall not apply to records that are made statutorily privileged, which shall require for their production a release that specifically identifies the privilege, contains a statement that the privilege is waived and that is signed by the patient or the patient's legal representative.
63-9-117(l)	Claims data	Tennessee Department of Health, Board of Osteopathic Examination	No information [related to claims data reported to the commissioner from a physician office at which office-based surgery is being performed] shall be made available to the public by the commissioner that reasonably could be expected to reveal the identity of any patient. The claims data reported to the commissioner under this section are confidential and not available to the public until the commissioner processes and verifies the data. The commissioner shall prescribe conditions under which the processed and verified data are available to the public.	
63-9-117(s)	Reports of unanticipated events	Tennessee Department of Health, Board of Osteopathic Examination	The reporting form and any supporting documentation reviewed or obtained by the board pursuant to this section [related to unanticipated events described in (q) including information specified in (r)] and any amendments to the reports shall be confidential and not subject to discovery, subpoena or legal compulsion for release to any person or entity; nor shall they be admissible in any civil or administrative proceeding, other than a disciplinary proceeding by the board; nor shall they be subject to any open records request made pursuant to title 10, chapter 7, part 5 or any other law. This section shall not affect any of the provisions of or limit the protections provided by § 63-1-150.	
63-10-405	Pharmacy Quality Improvement Program	Pharmacy Peer Review Program	(b) All information, interviews, reports, statements, memoranda or other documents and materials created in the course of operation of a pharmacy continuous quality improvement program or quality assurance program shall be privileged and confidential and shall not be subject to discovery, or subpoena or other means of legal process or introduction into evidence in any civil action, arbitration, administrative proceeding or state board of pharmacy proceeding. The pharmacy shall hold the privilege to all information, interviews, reports, statements, memoranda or other documents and materials created in the course of the pharmacy's continuous quality improvement program or quality assurance program.	<p>(b) The privilege may be waived by the pharmacy. Nothing in this subsection (b) shall affect the discoverability of any records not solely generated for or maintained as a component of a pharmacy's ongoing continuous quality improvement program and quality assurance program.</p> <p>(c) Nothing in subsection (b) shall be construed to prohibit a pharmacy from compiling, disclosing, reporting or otherwise using information or data that may be generated from the privileged and confidential documents and materials described in subsection (b), where the compiling, disclosing, reporting or otherwise using of the information or data is for the purpose of conducting research, providing education, reporting to federal or state patient safety or quality improvement databases, developing best practice guidelines or for similar other purposes, if personal information is redacted prior to disclosure.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
63-10-405(a)	Peer review (Pharmacist)	Tennessee Department of Health, Division of Health Related Boards, Board of Pharmacy	All information, interviews, reports, statements, memoranda or other data furnished to any peer review committee, association board, organization board or other entity and any findings, conclusions or recommendations resulting from the proceedings of such committee, board or entity are privileged. The records and proceedings of any peer review committee, board or entity are confidential and shall be used by such committee, board or entity, and the members thereof, only in the exercise of the proper functions of the committee, board or entity and shall not be public records nor be available for court subpoena or for discovery proceedings.	The disclosure of confidential, privileged peer review committee information during advocacy, or as a report to the board of pharmacy, or to the affected pharmacist or pharmacy auxiliary personnel under review does not constitute either a waiver of confidentiality or privilege. [The privilege does not apply] to records, documents or information otherwise available from original sources and such records, documents or information are not to be construed as immune from discovery or use in any civil proceedings solely due to presentation to the committee.
63-11-213	Privileged communications		For the purpose of this chapter, the confidential relations and communications between licensed psychologist or, psychological examiner or, senior psychological examiner or certified psychological assistant and client are placed upon the same basis as those provided by law between attorney and client; and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.	See § 37-1-614 child sexual abuse.
63-11-220	Peer review, Psychologists	Tennessee Department of Health, Psychological Peer Review Committee	(d)(1) All information, interviews, reports, statements, memoranda or other data furnished to a peer review committee, associational board or governing board, and any findings, conclusions or recommendations resulting from the proceedings of such committees, associational boards and governing boards are privileged.  (2) The records and proceedings are confidential and shall be used only in the exercise of the proper functions of the committees, associational boards or governing boards and shall not become public records nor be available for court subpoena or discovery proceedings.	(3) Nothing contained in this subsection (d) applies to records, documents or information otherwise available from original sources and such records, documents or information are not to be construed as immune from discovery or use in any civil proceedings solely due to presentation to the committee.
63-12-110(d)	Inspections, Investigations	Tennessee Department of Health, Board of Veterinary Medical Examiners	Information received by the board through inspections and investigations shall be confidential and shall not be disclosed except in a proceeding involving the question of license.	
63-12-118(c)	Veterinary wellness, Meetings	Tennessee Department of Health, Veterinary Wellness Committee	All information, interviews, reports, statements, memoranda, or other data furnished to or produced by a veterinary wellness committee and any findings, conclusions, reports, or recommendations resulting from the proceedings of the committee are privileged and confidential. Information and actions taken by the committee shall be privileged and held in strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of the committee.	Unless such disclosure is authorized by the member of the veterinary profession to whom it relates. Nothing contained in this subsection (c) applies to records, documents, or information otherwise available from original sources, and such records, documents, or information are not immune from discovery or use in any civil proceedings solely due to having been presented to the committee.
63-12-138(d)	Peer review	Tennessee Department of Health, Veterinary Peer Review Committee	All information, interviews, reports, statements, memoranda or other data furnished to any such peer review committee or other entity and any findings, conclusions or recommendations resulting from the proceedings of such committee or other entity are privileged. The records and proceedings of any such committee or other entity are confidential and shall be used by such committee or other entity and the members thereof only in the exercise of the proper functions of the committee or other entity and shall not become public record nor be available for court subpoena or discovery proceedings.	Nothing contained in this subsection (d) applies to records, documents or information otherwise available from original sources, such records, documents or information not to be construed as immune from discovery or use in any civil proceedings solely due to presentation to the committee.
63-13-317(d)	Privileged communications		Information relating to the physical therapist-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient.	The physical therapist-patient confidentiality does not extend to cases in which the physical therapist has a duty to report information as required by law [such as § 37-1-614 child sexual abuse].
63-13-317(f)	Investigations, Complaints	Tennessee Department of Health	The department shall keep all information relating to the receiving and investigation of complaints filed against licensees [physical therapists and assistants] confidential until the information becomes public record as required by law.	
63-22-114	Privileged communications		The confidential relations and communications between licensed marital and family therapists, licensed professional counselors or certified clinical pastoral therapists and clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this part shall be construed to require any such privileged communication to be disclosed.	However, nothing contained within this section shall be construed to prevent disclosures of confidential communications in proceedings arising under title 37, chapter 1, part 4 concerning mandatory child abuse reports.  See § 37-1-614 child sexual abuse; also § 33-3-114: situations where the qualified mental health professional may be compelled to testify.
63-23-109	Privileged communications		(a) The confidential relations and communications between a client and licensed social worker as defined in this chapter, are placed upon the same basis as those provided by law between licensed psychologists, licensed psychological examiners, licensed senior psychological examiners, certified psychological assistants and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.	(b) Nothing contained in this section shall be construed to prevent disclosure of confidential communications in proceedings arising under title 37, chapter 1, part 4, concerning mandatory child abuse reports.  See § 37-1-614 child sexual abuse.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
63-51-105	Peer review, Identifying information, Liability claims	Tennessee Department of Health, Division of Health Related Boards	<p>(a)(5)(B) Pending health care liability claims shall not be disclosed by a [health related] board to the public. Nothing in this subdivision (a)(5) shall be construed to prevent a board from investigating and disciplining a licensee on the basis of health care liability claims that are pending.</p> <p>(a)(17) No information that is otherwise privileged under this title, and that is generated by any peer review program, provider health program, or impaired professionals program operated or administered by a provider association or foundation that such association has created for peer review purposes, shall be included in any profile unless such information is not contemplated by the particular title 63 statute as being privileged.</p> <p>(f) Individual profiles posted pursuant to § 63-51-107 shall not contain the licensee's home address and social security number, unless such home address is provided by the licensee, along with a request that it be contained in the profile, as their official mailing or practice address. Notwithstanding any provision of this subsection (f), a record containing the home address of the licensee on file with the department of health concerning the provisions of this chapter shall continue to remain a public record.</p>	
64-1-711(a)	Bids	Tellico Reservoir Development Agency	Each bid with the name and address of the bidder shall be entered on a record and each record with the names of the bidders, the amount of their bids and the name of the successful bidder indicated thereon shall [not] be open for public inspection [before the award of the contract.]	After the award of the contract each bid with the name and address of the bidder shall be entered on a record and each record with the names of the bidders, the amount of their bids and the name of the successful bidder indicated thereon shall, be open for public inspection.
66-7-107(a)(2)	Identifying information	District Attorneys General, Law Enforcement Agencies	The identity of any person who provides evidence or other information that results in an eviction or other termination of residency pursuant to this section [where the premises or the area immediately surrounding the premises is knowingly used or occupied in whole or in part to violate § 39-13-513, § 39-13-515 or § 39-17-417] shall be kept confidential and shall not be made a public record by the law enforcement agency or the district attorney general.	
66-29-159	Work papers, Examinations	Tennessee Department of Treasury	<p>(a) Records obtained in the course of conducting an examination under § 66-29-157, including work papers compiled by the treasurer or the treasurer's agents, employees, or designated representatives, and any information that identifies the fact that a particular person, institution, business, or entity was or is the subject of an examination under § 66-29-157, are confidential and are not public records.</p> <p>(c) [A]ny information included in a final report [submitted to the treasurer pursuant to § 66-29-123] that identifies the fact that a holder was the subject of an audit conducted under this part must be redacted prior to disclosure unless the disclosure falls within one (1) of the exceptions under subsection (a).</p>	<p>(a) [R]ecords and information are not confidential:</p> <p>(1) To the extent that the person, institution, business, or entity that was or is the subject of the examination consents to disclosure;</p> <p>(2) To the extent that the treasurer, or the treasurer's employees, agents, or representatives use the records for the purpose of administering this part;</p> <p>(3) If used for the purposes of complying with a subpoena or a court order;</p> <p>(4) In joint unclaimed property examinations or audits conducted by the treasurer with, or pursuant to, an agreement with another state, federal agency, or any other governmental subdivision, agency, or instrumentality;</p> <p>(5) To the extent that the comptroller of the treasury or the comptroller's designees use the records for the purpose of an audit; or</p> <p>(6) In the course of any action or proceeding by the treasurer or the treasurer's employees, agents, or representatives to collect unclaimed property, to collect any unpaid interest due on unclaimed property, or to otherwise enforce this part.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
66-29-178	Identifying information, Personal information	Tennessee Department of Treasury	(a) Information that is confidential under any law of this state other than this part, another state, or the United States, including personally identifying information, as that term is defined in § 10-7-504(a)(29)(C), and personal information, as that term is defined in § 47-18-2107, continues to be confidential when disclosed or delivered under this part [Uniform Unclaimed Property Act] to the treasurer or the treasurer's agent.	<p>(a) [I]f for good cause and reasonably necessary for the enforcement or implementation of this part, may be disclosed to:</p> <p>(1) An apparent owner or the apparent owner's personal representative or attorney, next of kin, or agent designated under § 66-29-177;</p> <p>(2) A deceased apparent owner's personal representative or attorney, next of kin, agent designated under § 66-29-177, or heir;</p> <p>(3) Another department or agency of this state or the United States;</p> <p>(4) The person who administers the unclaimed property law of another state, if the state accords substantially reciprocal privileges to the treasurer and the state agrees to maintain the confidentiality and security of the information in the same manner as the treasurer; and</p> <p>(5) A person who is the subject of an examination in an administrative or judicial proceeding relating to the property.</p> <p>(c) Except as otherwise provided in subsection (a), the treasurer shall include on a website or in a database as required by § 66-29-130(b)(4) the name of each apparent owner of property held by the treasurer. The treasurer may include on the website or in the database additional information concerning the apparent owner's property if the treasurer believes the information will assist in facilitating identification and return of the property to the owner, and the treasurer does not disclose personally identifying information other than the home or physical address of an apparent owner.</p>
67-1-509(e)	Tests, Examinations	Tennessee Comptroller of the Treasury	Notwithstanding § 4-19-101, all examinations administered by the comptroller of the treasury as part of the assessment certification and education program, including, but not limited to, the total bank of questions from which the tests are developed, the answers, and the answer sheets of individual test takers, shall be confidential and shall not be public records or state records open for public inspection pursuant to § 10-7-503.	
67-1-703(d)	Tax return, Tax information	Tennessee Department of Revenue	Any return or tax information, as defined by § 67-1-1701, required under subsection (d) to be electronically transferred with any required electronic transfer of a payment of twenty thousand dollars (\$20,000) or more shall constitute confidential information, the disclosure of which shall be subject to part 17 of chapter 67.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
67-1-1702	Tax returns, Tax information, Tax administration information	Tennessee Department of Revenue	(a) Notwithstanding any law to the contrary, returns, tax information and tax administration information shall be confidential and, except as authorized by this part, no officer or employee of the department or of any office of a district attorney general or any state or local law enforcement agency, and no other person, or officer or employee of the state, who has or had access to such information shall disclose any such information obtained by such officer or employee in any manner in connection with such officer's or employee's service as an officer or employee, or obtained pursuant to this part, or obtained otherwise.	<p>(b) Notwithstanding any other law to the contrary, the confidentiality and disclosure of any record or document pertaining to a motor vehicle registration or motor vehicle title for which the department has responsibility under title 55, chapters 1-6, title 65, chapter 15, or any other applicable statute shall be controlled by title 55, chapter 25.</p> <p>(c) This part [17, chapter 1, title 67] does not apply to any record, document, or other information pertaining to a tax on the privilege of occupancy in a hotel imposed by a city, town, or county pursuant to an ordinance, resolution, or private act. [See § 67-4-1410(a)].</p> <p>[§67-1-1701(f) The name and address of an owner of a business tax license under chapter 4, part 7 title 67 may be disclosed.</p> <p>§ 67-1-1704 Information may be inspected or disclosed for tax administration purposes; (b)(2) If the commissioner determines that disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation, the return or tax information shall not be disclosed as provided in subsections (a) and (b) and in §§ 67-1-1705(a) and 67-1-1707(a); (d) No unit of local government nor any official or employee of a unit of local government who receives returns or tax information under this subsection (d) shall disclose such information to any person other than the person to whom it relates, except as otherwise may be authorized by law; (e) Pursuant to legislative subpoena; (f) For purposes of collection of unpaid taxes.</p> <p>§ 67-1-1705(a) Access by attorney general and reporter; (b) Disclosure by employees of department.</p> <p>§ 67-1-1706(a) &amp; (b) Disclosure of amount of taxpayer obligation.</p> <p>§ 67-1-1707(a) For purposes of audit, the comptroller shall have access to state tax returns and state tax information without written request. Disclosure of federal tax returns and federal tax information may be made to the comptroller if permitted by federal law or prohibition of disclosure is waived by the appropriate federal agency. (b) Return or tax information may be disclosed to another taxing entity (state or federal) pursuant to reciprocal agreement. (c) Tax information may be provided in the commissioner's discretion, to state or federal government engaged in tax or economic analysis if relevant to functions and duties, and such information shall be subsequently disclosed only to person to whom it relates or is in a form that is not associated with or directly/indirectly identify a particular taxpayer.</p> <p>§ 67-1-1708 the commissioner is to prescribe manner and process for inspection and disclosure, including reasonable fees for furnishing tax information.</p> <p>§ 67-1-1711 The commissioner is authorized to disclose tax administration information (excluding returns and tax information) if determined is in best interests of the State. No law shall be construed to require disclosure of criteria or standards used or to be used for the selection of returns or persons for audit or examination, or data used or to be used for determining such criteria or standards, if the commissioner determines that such disclosure will impair assessment, collection, or enforcement under state tax laws.</p> <p>§ 67-1-1712(b) Returns and tax information of a Model 1 seller may be disclosed to the seller's certified service provider.</p> <p>§ 67-1-1808(j) Notwithstanding part 17 of chapter 1, or any other law prohibiting disclosure of a taxpayer's identity or tax information, all information exchanged among the department of revenue, the department of treasury, and any claimant necessary to accomplish the purpose of section 1808 is lawful.</p> <p>§ 57-3-217(h)(1) Reports [filed monthly by common carrier contracting with a direct wine shipper, as to wine shipment and consignee information] received by the department of revenue must be made available to the public pursuant to the open records law, compiled in title 10, chapter 7 [to be effective 07/01/2018].</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
67-1-1703	Tax information	Tennessee Department of Revenue	<p>(a) Tax information shall not be disclosed to a taxpayer or their designee [as provided for in § 67-1-1703(a)] if the commissioner [of the department of revenue] determines such disclosure would be seriously burdensome to tax administration.</p> <p>(b)(6) Tax information with respect to any taxpayer that may otherwise be open to inspection by or disclosure to any person authorized by subsection (b) to inspect any return of such taxpayer shall not be disclosed if the commissioner determines that such disclosure would seriously impair tax administration.</p>	<p>(b)(1) The return of a person shall, upon written request, be open to inspection by or disclosure to:</p> <p>(A) In the case of the return of an individual, that individual;</p> <p>(B) In the case of the return of a partnership, any person who was a member of such partnership during any part of the period covered by the return;</p> <p>(C) In the case of the return of a corporation or a subsidiary of a corporation:</p> <p>(i) Any person designated by resolution of its board of directors or other similar governing body;</p> <p>(ii) Any officer or employee of such corporation upon written request signed by any principal officer and attested to by the secretary or other appropriate officer; or</p> <p>(iii) If the corporation has been dissolved, any person authorized by applicable state law to act for the corporation or any person who the commissioner finds to have a material interest that will be affected by information contained in the return;</p> <p>(D) In the case of the return of an estate, the administrator, executor, or trustee of such estate; and</p> <p>(E) In the case of the return of a trust, the trustee or trustees, jointly or separately.</p> <p>(2) If an individual described in subdivision (b)(1) is legally incompetent, the applicable return shall, upon written request, be open to inspection by or disclosure to the guardian of the individual's estate.</p> <p>(3) The return of a decedent shall, upon written request, be open to inspection by or disclosure to an administrator, executor, trustee or beneficiary of the decedent's estate. However, in order to obtain the return, a beneficiary must submit a sworn affidavit stating that: the affiant was a beneficiary of the estate who received a distribution of assets from the estate in kind; the affiant needs the return to accurately determine the federal income tax basis of such assets; and the affiant has requested the return from the personal representative who could not or would not provide it.</p> <p>(4) If substantially all of the property of the person with respect to whom the return is filed is in the hands of a trustee in bankruptcy or receiver, such person's return or returns for prior years, upon written request, shall be open to inspection by or disclosure to such trustee or receiver, but only if the commissioner finds that such trustee or receiver, in the trustee's or receiver's fiduciary capacity, has a material interest that will be affected by information contained in the return.</p> <p>(5) Any return to which this subsection (b) applies shall, upon written request, also be open to inspection by or disclosure to the attorney in fact or at law duly authorized in writing by any of the persons described in subdivisions (b)(1)–(4), who are themselves entitled to the return, to inspect the return or receive the information on their behalf, subject to the conditions provided in subdivisions (b)(1)–(4).</p>
67-1-1705(c)	Investigations	Tennessee Department of Revenue	Investigative records of the special investigations unit of the department relating to potential criminal prosecutions of persons for violation of the tax laws of this state are confidential and may not be disclosed to any person, notwithstanding any provision of this part to the contrary.	[E]xcept in the exercise of the discretion of the commissioner so as not to seriously impair tax administration.
67-1-1710	Privileged communications, Attorney-client, Tax returns	Tennessee Department of Revenue	(a) [T]he commissioner of revenue shall have no authority to obtain access to legally privileged information, as provided for in § 23-3-105 or to confidential client information, as provided for in statute or professional rules, including the rules of the Tennessee supreme court. Confidential client information includes, but is not limited to, the identity of a client, the nature of the matter for which representation was sought, or any information obtained by counsel in the course of the client's representation.	(b) When the provisions of subsection (a) are asserted, the disclosure of any information shall be made only after a court order compelling disclosure of such information is final. In an action to compel such disclosure, the client affected by the disclosure has the right to intervene anonymously; any examination of the information shall be conducted in camera; and the commissioner shall have the burden of proof to show, by clear and convincing evidence, that the information sought is not privileged or confidential client information.
67-4-722	Tax returns, Tax information, Tax administration information	Tennessee Department of Revenue, County Clerks, Municipal Tax Officials	(c) Except as provided in subsection (d), all returns, tax information, and tax administration information under this part [the Business Tax Act] shall be subject to chapter 1, part 17 of this title.	(d) [T]he 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 is a public record open for public inspection within the meaning of the Public Records Act, compiled in title 10, chapter 7, and such record is not confidential information.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
67-4-1028(b)	Tobacco sales data	Tennessee Department of Revenue	<p>Any tobacco sales data provided by another state, a tobacco product manufacturer, or other person or entity to a data clearinghouse pursuant to the NPM Adjustment Settlement Agreement that is also provided to the commissioner pursuant to that agreement, shall be treated as confidential tax information as defined in § 67-1-1701. This subsection (b) only applies to information received by the commissioner solely as a result of the NPM Adjustment Settlement Agreement.</p> <p>§ 67-1-1701(8): "Tax information" means a taxpayer's identity, the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax collected, deficiencies, overassessments, or tax payments, whether the taxpayer's return was, is being, or will be, examined or subject to other investigation or processing, or any other data, received by, recorded by, prepared by, furnished to, or collected by, the commissioner with respect to a return or with respect to the determination of the existence, or possible existence, of liability, or the amount of the liability, of any person for any tax, penalty, interest, fine, forfeiture, or other penalty, imposition or offense, administered by or collected by the commissioner, either directly or indirectly. "Tax information" does not include data in a form that cannot, either directly or indirectly, be associated with, or otherwise be used to identify, directly or indirectly, a particular taxpayer.</p>	
67-4-2808	Tax returns	Tennessee Department of Revenue	<p>(a)[I]nformation obtained as a result of a merchant's efforts to comply with this part [taxation of unauthorized substances] is confidential.</p> <p>[The commissioner may not disclose any acts undertaken by a merchant to comply with the tax levied by this part (including the taxpayer's maintenance of a suit to determine liability under such tax) and such acts may not be used in a criminal prosecution other than a prosecution for a violation of this part.]</p> <p>(b) [N]o information shall be disclosed pursuant to chapter 1, part 17, of this title unless that information was obtained independently from any acts undertaken by a merchant to comply with the tax levied by this part, such acts including the taxpayer's maintenance of a suit to determine liability under the tax levied by this part.</p>	(c) This section does not prohibit the commissioner from publishing statistics that do not disclose the identity of merchants or the contents of particular returns or reports.
67-5-303(d)	Property tax	County Property Assessors, Assessing Officials	(2) Information [relating to the assessment of property of any taxpayer] obtained pursuant to this section shall be confidential and shall not be disclosed by state or local officials, agents or employees, except as authorized by this part.	<p>(2) Nothing in this section shall be construed to make evidence introduced by a party in court or administrative proceedings confidential, unless otherwise provided in a protective order issued by the judge in the proceedings.</p> <p>(3) Pursuant to rules of the state board of equalization, information otherwise confidential may be disclosed to:</p> <p>(A) The taxpayer or the taxpayer's authorized designee, upon written request;</p> <p>(B) Individuals designated by a judge presiding in court or administrative proceedings, subject to protective orders issued in the proceedings;</p> <p>(C) Officials, and their agents or employees, responsible for the administration or collection of taxes due from the taxpayer, but only to the extent necessary for this purpose and subject otherwise to the confidentiality required by this section.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
67-5-402	Tangible personal property tax	County Property Assessors, Assessing Officials	(a) [The] information required to be filed or submitted by a taxpayer with regard to an assessment of tangible personal property, or provided by a taxpayer in response to an audit or information request by assessing officials or their agents with regard to an assessment of tangible personal property, shall be confidential and shall not be disclosed by state or local officials, agents or employees, except as authorized by this part.	<p>(a) [The] taxpayer's annual reporting schedule filed with the assessor is not confidential.</p> <p>(b) Pursuant to rules of the state board of equalization, schedules, returns and information otherwise confidential may be disclosed to:</p> <p>(1) The taxpayer or the taxpayer's authorized designee, upon written request;</p> <p>(2) Individuals designated by a judge presiding in court or administrative proceedings, subject to protective orders issued in the proceedings;</p> <p>(3) Officials, and their agents or employees, responsible for the administration or collection of taxes due from the taxpayer, but only to the extent necessary for this purpose and subject otherwise to the confidentiality required by this section; and</p> <p>(4) The department of human services or its contractors in the Title IV-D child support program pursuant to § 36-5-801.</p> <p>§ 67-5-401(a) [T]he commissioner of revenue is empowered, authorized and directed to open for inspection at any time by any official, body or commission lawfully charged with the administration of the tax laws of any political subdivision of the state, all records, reports, returns and schedules, or excerpts therefrom, filed by taxpayers with the department of revenue pursuant to present laws or those hereafter enacted.</p> <p>(b) Any information thus secured by any official, body or commission of any political subdivision may be used only for the purpose of administration of the tax laws of such political subdivision.</p> <p>(c) The commissioner shall furnish, upon written request of any official, body or commission of any political subdivision, certified copies of such records, reports, returns or schedules, or excerpts therefrom, as may be requested by such official, body or commission.</p> <p>(d) The commissioner may promulgate such rules and regulations for the administration of this section and fix such reasonable fees to be charged for furnishing certified copies of any records, reports, returns and schedules, or excerpts therefrom, provided for herein as is deemed necessary in order that the administration of this section may not be an expense to the state.</p>
67-5-701(m)	Property tax relief	Tennessee Comptroller of the Treasury, County Trustees, and Municipalities	Financial records filed for purposes of income verification, including financial information reported on any application for tax relief, shall be confidential and shall not be subject to inspection under the Tennessee public records law, compiled in title 10, chapter 7.	Financial records shall be available to local or state officials who administer, enforce, or audit the tax relief program or requirements under §§ 67-5-701–67-5-703.
67-5-703(d)	Property tax relief, Disabled persons	Tennessee Comptroller of the Treasury, County Trustees, and Municipalities	Any information concerning the disability status of a disabled homeowner [submitted with an application for property tax relief] shall be confidential and shall not be subject to inspection under Tennessee public records law, compiled in title 10, chapter 7.	[The information] shall be available to local or state officials who administer, enforce, or audit the tax relief program or requirements under § 67-5-703.
67-5-704(i)	Property tax relief, Veterans	Tennessee Comptroller of the Treasury, County Trustees, and Municipalities	Any information concerning the disability status of a disabled veteran or the death of a soldier submitted for property tax relief shall be confidential and shall not be subject to inspection under Tennessee public records law, compiled in title 10, chapter 7	[The information] shall be available to local or state officials who administer, enforce, or audit the tax relief program or requirements under the section.
67-5-705(g)(2)	Property tax freeze	Tennessee Comptroller of the Treasury, County Trustees, and Municipalities	Financial records filed for purposes of income verification [for the tax freeze program] shall be confidential and shall not be subject to inspection under the Tennessee public records law, compiled in title 10, chapter 7.	[The financial records] shall be available to local or state officials who administer, enforce, or audit the tax freeze program or requirements imposed under this section.
67-5-1319	Property taxes	Tennessee Comptroller of the Treasury	(a) The comptroller of the treasury shall require, in addition to the schedules and statements above referred to, such additional information and take such additional evidence as to the value of any property to be assessed by the comptroller of the treasury as may be deemed proper. The additional information and evidence as it pertains to the assessment of personal property shall be confidential pursuant to § 67-5-402.	(b) The records of the comptroller of the treasury shall at all times be open to inspection of the owner or owners of any property assessable under this part.



Source	Subject Matter	Government Entity	Description	Exceptions To Exception
67-6-104	Financial information	Tennessee Department of Finance and Administration, Counties	<p>(i) Any financial information, proprietary information and trade secrets contained in an application to receive sales and use tax revenues pursuant to 67-6-104, or submitted with any accompanying documents or information filed with the application shall be confidential and shall not be open to the public for inspection, notwithstanding the public records provisions of title 10, chapter 7. Such financial information, proprietary information and trade secrets shall not be disclosed to any person.</p> <p>(b) Definitions:</p> <p>(4) "Proprietary information" means commercial or financial information that is used either directly or indirectly in the business of any person submitting information to the commissioner [of F&amp;A] under this section, and that gives such person an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information; and</p> <p>(5) "Trade secrets" means any materials or processes used directly or indirectly in the business of a person or entity submitting information or documentation related to such materials or processes to the commissioner [of F&amp;A] under this section, and that give the person or entity an advantage or an opportunity to obtain an advantage over competitors who do not know or use them.</p>	Commissioner of F&A is authorized to disclose (1) within F&A and to Department of Revenue and Department of Economic and Community Development in course of official duties and (2) to Comptroller for purpose of audit of those departments.
67-8-109	Tax returns, tax information, and tax administration information	Tennessee Department of Revenue	The commissioner may by general regulations prescribe how much and what portion of the commissioner's records [related to the gift tax] shall be open to the inspection of the public and how much and what portion shall be held as confidential.	The commissioner may exchange information with the United States government or with other state governments under reciprocal arrangements made and approved by the commissioner.
67-8-404(b)	Inheritance tax	Tennessee Department of Revenue	The commissioner may, by general regulations, prescribe how much and what portion of the commissioner's records shall be open to the inspection of the public and how much and what portion shall be held as confidential.	[The commissioner] may exchange information with the United States government, or with other state jurisdictions under reciprocal arrangements made and approved by the commissioner.
68-1-108(a)	Claims data for hospital patient discharge, Medical information, Identifying information	Tennessee Department of Health	<p>The claims data reported to the Commissioner of Health under the section are confidential and not available to the public.</p> <p>No information shall be made available to the public by either the commissioner or the Tennessee Hospital Association (THA) that reasonably could be expected to reveal the identity of any patient.</p>	<p>After the commissioner processes and verifies the data, it is available to the public under prescribed conditions.</p> <p>After receiving the claims data, the commissioner shall promptly make the data available for review and copying by the THA who shall use the data strictly for its own internal purposes and for internal purposes of its members.</p>
68-1-119	Claims data from ambulatory surgical treatment centers and outpatient diagnostic centers	Tennessee Department of Health	<p>(a) The claims data reported to the commissioner [by each licensed ambulatory surgical treatment center (ASTC) and each licensed outpatient diagnostic center (ODC)] under this section are confidential and not available to the public until the commissioner processes and verifies the data.</p> <p>No information shall be made available to the public by the commissioner that reasonably could be expected to reveal the identity of any patient.</p>	<p>(a) The commissioner shall prescribe conditions under which the processed and verified data are available to the public and shall establish policies for the release of HIPAA compliant limited use data sets.</p> <p>(f) Any data that is submitted to the commissioner pursuant to this section shall be made available to the public no more frequently and no sooner after the data is submitted than the data collected and reported by licensed hospitals pursuant to § 68-1-108.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-1-1006	Cancer data	Tennessee Department of Health	<p>(a)(1) All data obtained from the reports required by part 10, chapter 1, title 68 [Tennessee Cancer Reporting System Act] are for the confidential use of the department and persons that the commissioner determines are necessary to carry out the intent of the part.</p> <p>(2) Information that could possibly identify individuals whose medical records have been used for collecting data may not be included in materials available to the public.</p>	<p>(b) [Data obtained from the reports required by the part are also to be made available for valid research projects:]</p> <p>(1) The researcher sets out clearly the uses for which the data are desired;</p> <p>(2) The researcher clearly states the reasons for which confidential and personally identifiable portions of the data are necessary;</p> <p>(3) The researcher assures that the data received from the department will be maintained by the researcher with the same level of confidentiality as that maintained by the department; and</p> <p>(4) Upon completion of the research project, all data provided by the department and all copies of the data shall be destroyed.</p> <p>§ 68-1-1010(a) [The commissioner] is authorized to enter into appropriate written agreements with other states that maintain statewide cancer registries, allowing the exchange of information on cancer patients.</p> <p>(b) Each state with which the commissioner agrees to exchange information must agree in writing to keep all patient-specific information confidential and to require any research personnel to whom the information is made available to keep it confidential.</p>
68-1-1010(b)	Cancer patient information	Tennessee Department of Health	Each state with which the commissioner agrees to exchange information must agree in writing to keep all patient-specific information confidential and to require any research personnel to whom the information is made available to keep it confidential.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-3-205	Vital records	Tennessee Department of Health, State Registrar, County Clerks, Court Clerks, Other Authorized Custodians	<p>(a)(1) To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital records, it is unlawful for any person to permit inspection of, or to disclose information contained in, vital records, or to copy or issue a copy of all or part of any such records, except as authorized by this chapter, by regulations promulgated pursuant to this chapter, or as otherwise authorized by law, or by order of a court of competent jurisdiction.</p> <p>(2) Regulations promulgated pursuant to this chapter shall provide for adequate standards of security and confidentiality of vital records.</p>	<p>(b) The department may authorize, by regulation, the disclosure of information contained in vital records for research purposes.</p> <p>(d)(2)(A) Notwithstanding any other provision of this chapter, or any rule promulgated pursuant to this chapter, to the contrary, an application for a marriage license and the authenticating document for the events of birth, death, marriage, divorce, or annulment of marriage, whether maintained or stored by or in the possession of a county clerk, court clerk, state registrar or other custodian authorized by the state registrar, shall be considered a public record, and further, that verified information from such documents may be provided upon request. Nothing in this section shall be construed to permit the disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate or the "Confidential Information" section of the certificate of marriage or certificate of divorce or annulment, unless specifically authorized by the state registrar for statistical or research purposes. This data is not subject to subpoena or court order and is not admissible before any court or judicial body.</p> <p>(B) Verified information from birth records may only be provided by the state registrar or the local registrar in a local health department in a county with a population of two hundred fifty thousand (250,000) or greater, according to the 1970 federal census.</p> <p>(C) Certified or noncertified copies or abstracts of birth certificates of persons in the federal witness protection program shall be provided only to a person requesting a copy of the person's own birth certificate or that person's supervising federal marshal.</p> <p>(D) A certified copy or other copy of a death certificate containing the cause of death information shall not be issued, except:</p> <p>(i) Upon specific request of the spouse, children, parents, or other next of kin of the decedent or their respective authorized representatives;</p> <p>(ii) When a documented need for the cause of death to establish a legal right or claim has been demonstrated;</p> <p>(iii) When the request for the copy is made by or on behalf of an organization that provides benefits to the decedent's survivors or beneficiaries;</p> <p>(iv) Upon specific request by local, state, or federal agencies for research or administrative purposes approved by the state registrar;</p> <p>(v) When needed for research activities approved by the state registrar;</p> <p>(vi) Upon receipt of an order from a court of competent jurisdiction ordering such release; or</p> <p>(vii) Upon receipt of a written request from a department representative authorized by chapter 142, part 1, of this title to obtain the records.</p> <p>(E) The state registrar and other custodians of vital records authorized by the state registrar to issue certified copies shall, upon receipt of an application, issue a certified copy of a vital record in the registrar's or custodian's custody, or a part of the vital record to the registrant, the registrant's spouse, children, parents, or guardian, or their respective authorized representative. Others may be authorized to obtain certified copies when they demonstrate that the records are needed for the determination or protection of their personal or property rights.</p> <p>(e) When one hundred (100) years have elapsed, after the date of birth, or fifty (50) years have elapsed after the date of death, marriage, divorce or annulment of marriage, the records of these events in the custody of the state registrar shall be made available to the public in accordance with regulations that provide for the continued safekeeping of the records.</p> <p>(f) Any microfilm copy of a vital record in the possession of the state library and archives, or a local library, shall be available for public inspection.</p>

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-3-313	Adoption, Vital records	Tennessee Department of Health	<p>(a)(1) All legal documents pertaining to the adoption, legitimation or order of paternity, together with the certificate of birth in the original name, shall be placed in an envelope and sealed following the preparation of the new certificate.</p> <p>(2) These sealed documents shall be preserved in a fireproof vault in the department and shall not be removed from that office, except by order of a court of competent jurisdiction.</p> <p>(b) When a new certificate of birth has been filed by the state registrar, all copies of the record of birth in the original name in the custody of any other party shall be forwarded to the state registrar upon receipt of the state registrar's request.</p>	
68-3-608	Meetings, Maternal fatality	Tennessee Department of Health, Maternal Mortality Review and Prevention Team	<p>(d)(1) All information and records acquired by the state team in the exercise of their duties shall be confidential and not subject to discovery or introduction into evidence in any proceedings; provided, however, certain information may be disclosed as necessary to carry out the purposes of the state team. (2) A member of the state team or attendee of a team meeting shall not: (A) Release to the public or the news media information discussed at official meetings; or</p> <p>(B) Testify in any proceeding about details of the team meeting, including any information presented at the meeting, or about opinions formed by the person as a result of the meeting.</p> <p>(e) Each member of the state team and any attendee of a meeting of the state team shall sign a statement indicating an understanding of and adherence to the state team's confidentiality requirements, including potential civil or criminal consequences for a breach of confidentiality pursuant to this part.</p>	(d)(3) This subsection (d) shall not prohibit a person from testifying in a civil or criminal action about matters that occurred in the team meeting; provided, that such testimony shall be based upon the person's independent knowledge.
68-5-506(e)	Identifying information, Birth Defects Registry	Tennessee Department of Health	(1) All information collected and analyzed pursuant to this section [Birth Defects Registry] shall be confidential insofar as the identity of the individual patient is concerned and shall be used solely for the purposes provided in this section.	<p>(1) [T]he commissioner may provide access to those scientists approved by the advisory committee [established in subsection (b)(2)] who are engaged in demographic, epidemiological or other similar studies related to health, and who agree, in writing as nonstate employees, to be identified and coded while maintaining confidentiality as described in this section and to the centers for disease control (CDC) for inclusion in the National Birth Defects Registry.</p> <p>(2) The department shall maintain an accurate record of all persons who are given access to the information in the registry. The record shall include:</p> <p>(A) The name of the persons authorizing access;</p> <p>(B) The name, title, and organizational affiliation of persons given access;</p> <p>(C) The dates of access;</p> <p>(D) The specific purpose for which the information is to be used; and</p> <p>(E) The results of the independent research.</p> <p>(3) Nothing in this section shall prohibit the publishing of statistical compilations relating to birth defects or poor reproductive outcomes that do not in any way identify individual sources of information.</p>
68-5-604(c)	Blood tests, Laboratory tests	Tennessee Department of Health	The copy [of the detailed report of the standard serological test and the laboratory specimen slip for syphilis or for rubella] submitted to the local health department shall be held in absolute confidence and not open to public inspection.	[The report] shall be produced as evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, on order of a judge of the court; and provided further, that it may be used in the compilation of aggregate figures and reports, without disclosing the identities of the persons involved.
68-5-703(c)	Blood tests, HIV tests		All HIV testing [of pregnant women] performed under this part shall be done in a confidential manner and the results of the testing may be disclosed only as provided by law.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-10-113	Sexually transmitted diseases	Tennessee Department of Health, Local Health Departments	All records and information held by the department or a local health department relating to known or suspected cases of STDs shall be strictly confidential. This information shall not be released or made public upon subpoena, court order, discovery, search warrant or otherwise.	<p>[R]elease may be made under the following circumstances:</p> <p>(1) Release is made of medical or epidemiological information for statistical purposes, in such form that no individual person can be identified;</p> <p>(2) Release is made of medical or epidemiological information with the consent of all persons identified in the information released;</p> <p>(3) Release is made of medical or epidemiological information to medical personnel, appropriate state agencies, or county and district courts to enforce this chapter and related regulations governing the control and treatment of STDs;</p> <p>(4) Release is made of medical or epidemiological information to medical personnel in a medical emergency to the extent necessary to protect the health or life of the patient;</p> <p>(5) In a case involving a minor not more than thirteen (13) years of age, only the name, age, address and STD treated shall be reported to appropriate agents as required by § 37-1-403. No other information shall be released. If the information to be disclosed is required in a court proceeding involving child abuse, the information shall be disclosed in camera; or</p> <p>(6)(A) Release is made during a legal proceeding when ordered by a trial court judge, designated by § 16-2-502, or a juvenile court judge through an order explicitly finding each of the following:</p> <p>(i) The information sought is material, relevant, and reasonably calculated to be admissible evidence during the legal proceeding;</p> <p>(ii) The probative value of the evidence outweighs the individual's and the public's interest in maintaining its confidentiality;</p> <p>(iii) The merits of the litigation cannot be fairly resolved without the disclosure; and</p> <p>(iv) The evidence is necessary to avoid substantial injustice to the party seeking it and, either the disclosure will result in no significant harm to the person examined or treated, or it would be substantially unfair as between the requesting party and the person examined or treated not to require the disclosure.</p> <p>(B) A juvenile court judge shall make the findings set forth in subdivision (6)(A) by examining the information, in camera, and shall order the information placed under seal. The judge shall only examine the records of a juvenile who is under the jurisdiction of the court.</p>
68-10-116(b)	Blood tests, HIV tests		<p>The results of the testing [of an arrested person's blood] [for the presence of the hepatitis virus and the HIV/AIDS virus] shall be confidential.</p> <p>[(a)(1) Testing is to occur when an employee of any of the Tennessee bureau of investigation's crime laboratories, firefighter, emergency medical technician-paramedic, or emergency medical technician is exposed to blood or other body fluid of the arrested person in any manner that presents a significant risk of transmission of the hepatitis virus or the HIV/AIDS virus and requests thge blood to be tested.]</p>	The law enforcement officer, fire fighter, emergency medical technician-paramedic, emergency medical technician, or employee of the crime laboratory of the Tennessee bureau of investigation, exposed to the blood or other body fluid shall have the right to request the results of the testing.
68-10-117(b)	Blood tests	Tennessee Department of Health, Health Care Providers	Any information provided [by the Department of Health, any health care provider, or health care facility, any agency, individual or facility] shall be made available in accordance with the rules provided for in subsection (c) and shall be used only for the purpose of performing the evaluation [to determine the presence of potentially life-threatening airborne or bloodborne diseases due to exposure , including, but not limited to, tuberculosis, HIV or hepatitis B in the course of performing normal, authorized professional job duties, or rendering emergency care as a good samaritan under the Good Samaritan Law] and shall be otherwise confidential.	
68-11-210(c)(5)(C )	Report from Joint Commission on Accreditation of Hospitals	Tennessee Department of Health	The report from the Joint Commission on Accreditation of Hospitals that accompanies the letter of accreditation required to be submitted to the Department annually by licensed hospitals shall be maintained as a confidential record pursuant to § 10-7-504.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-11-211	Incident reports	Tennessee Department of Health	<p>(c) An incident report or any amended incident report [of abuse, neglect and misappropriation that occur at a facility licensed under this part and any physician's office where Level III office-based surgery occurs] obtained by the department pursuant to this section shall be confidential and not subject to discovery, subpoena or legal compulsion for release to any person or entity, nor shall the report be admissible in any civil or administrative proceeding, other than a disciplinary proceeding by the department or the appropriate regulatory board. The report is not discoverable or admissible in any civil or administrative action.</p> <p>(f) The department shall have access to facility records that are allowed in part 3 of this chapter. The department may copy any portion of a facility medical record relating to the reported event, unless otherwise prohibited by rule or statute. This section and § 68-11-804(c)(23) do not change or affect the privilege and confidentiality provided by § 63-1-150.</p> <p>(g) This section does not preclude the department from using information obtained under this section in a disciplinary action commenced against a facility or from taking disciplinary action against a facility. This section does not preclude the department from sharing such information with any appropriate governmental agency charged by federal or state law with regulatory oversight of the facility; however, all such information shall be confidential and not a public record.</p>	(c) [I]nformation in the report may be transmitted to an appropriate regulatory board having jurisdiction for disciplinary or licensing sanctions against the impacted facility; however, the department must reveal, upon request, its awareness that a specific incident has been reported.
68-11-222(c)	Blood tests		Testing a patient's blood for the presence of the hepatitis B virus and the HIV/AIDS virus (after a careprovider is exposed to the blood or other body fluid of a patient) shall be performed at no charge to the patient and the results of such testing shall be confidential if the facility determines to test.	
68-11-238(a)	Meetings, Marketing and strategic plans	Hospitals	Notwithstanding any law to the contrary, hospitals subject to the open meetings laws compiled in title 8, chapter 44, or the public records laws compiled in title 10, chapter 7, may discuss and develop marketing strategies and strategic plans in closed meetings, not open to the public, and the records addressing marketing strategies and strategic plans, including feasibility studies, may be treated as confidential and not public records, but shall be subject to subpoena.	[T]he adopted strategy or plan, and the studies that were considered in the adoption of the specific strategy or plan, shall then be subject to the public records laws. The records shall be available for public inspection at least seven (7) days before any vote to adopt such strategy.
68-11-255	Identifying information, Health care facilities	Tennessee Department of Children's Services (DCS)	Any information obtained concerning the identity of the mother, infant or other parent (when a newborn infant is left at a healthcare facility) shall be kept confidential and may only be disclosed to the department of children's services for use consistent with the purposes of this section, § 36-1-142, and § 36-2-318.	
68-11-259(c)	Trauma registry	Tennessee Department of Health, Board for Licensing Health Care Facilities	<p>The information submitted to the board pursuant to this section shall be used solely for the purpose of analyzing causes and medical consequences of serious trauma and promoting the continuum of care that provides timely and appropriate delivery of emergency medical treatment for people with acute traumatic injury.</p> <p>[No information contained in the trauma registry may be made available to the public that reasonably could be expected to: reveal the identity of any patient disclose the identity or identities of specific reporting facilities.]</p> <p>[T]he specific information required by this section that pertains to health care professionals licensed under title 63 or this title, or health care facilities licensed under this title, shall be confidential, shall not be subject to public inspection, and shall not be used to initiate disciplinary complaints nor be admissible in any administrative proceeding for licensure discipline.</p>	The board shall prescribe conditions under which the processed and verified data can be made available to the public.
68-11-262(c)	Health care service billings	Tennessee Department of Health	Information obtained by the department of health as to the amounts billed for services by a healthcare facility, pursuant to this section, shall be maintained on a confidential basis.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-11-304	Hospital records	Hospitals	(c) Except as otherwise provided by law, hospital records shall not constitute public records, and nothing contained in this part shall be deemed to impair any privilege of confidentiality conferred by law on patients, their personal representatives or heirs.	(e) Providers, as defined in § 71-5-2503, shall make available for inspection and copying, to the office of inspector general and the medicaid fraud control unit, upon request, no later than by the close of business on the next business day, a complete set of all medical records requested in connection with an investigation being pursued by the agency, or shall provide a compelling reason why the requested records cannot be produced; provided, that no such records shall be removed from the grounds of the provider's office without the provider's consent, unless the office of inspector general or the medicaid fraud control unit reasonably believes that requested documents are about to be altered or destroyed.  (f) On request of a provider, a duly authorized agent of the requesting agency shall sign a document acknowledging receipt of records produced pursuant to this section. On request of a duly authorized agent of the requesting agency, a duly authorized agent of the provider shall sign a document acknowledging the return of specific records to the provider.
68-11-804(c)(5)	Personal records	Nursing Homes	Each patient has a right to have the patient's personal records kept confidential and private. The nursing home shall have policies to govern access and duplication of the patient's records.	Except for those persons authorized by law to inspect the records, written consent by the patient must be obtained before any information can be released. If the patient is mentally incompetent, written consent is required by the patient's legal representative.
68-11-901(13)	Patient records, Nursing Homes	Nursing Homes	[Every nursing home resident/patient has the right] to have records kept confidential and private:  (A) Written consent by the resident must be obtained before any information can be released, except for persons authorized under the law;  (B) If the resident is mentally incompetent, written consent is required by the resident's legal representative; and  (C) The facility must have a written policy governing access to and duplication of patient records and copies of the policy shall be available to all residents and their families upon request;	
68-11-904	Nursing home complaints	Tennessee Department of Health	(a) Whenever the department [of health] conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any patient or resident who is the subject of the complaint, or identified in the complaint, shall be treated as confidential and shall not be open to inspection by members of the public, notwithstanding any provision of title 10, chapter 7 to the contrary.	(b) It being in the public interest that the identity of a person described in subsection (a) shall be protected from disclosure, the person's identity shall be provided in response to litigation, only after a finding by the court that justice so requires.
68-11-909(b)	Nursing home data	Tennessee Department of Health	Data meeting this criteria [nursing home resident morbidity and mortality data determined by the commissioner to materially aid enforcement of quality of care standards and which would be feasible for nursing homes to report] shall be collected and reported to the department as prescribed by regulation, but shall be confidential and not subject to public inspection under § 10-7-503.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-11-1503	Identifying information	Health Care Facility	(a)(1) The name and address and other identifying information of a patient [at a health care facility licensed by the board for licensing health care facilities] shall not be divulged.	(a)(1) [E]xcept for:  (A) Any statutorily required reporting to health or government authorities;  (B) Access by an interested third-party payer or designee, for the purpose of utilization reviews, case management, peer reviews, or other administrative functions;  (C) Access by health care providers from whom the patient receives or seeks care;  (D) If the patient does not object, any directory information, including only the name of the patient, the patient's general health status and the patient's location and telephone number. Directory information shall be released to all inquirers, only if the patient has been notified, upon admission to the hospital, of the patient's right to object to the information that may be released and has not objected; or, if the patient is in a physical or mental condition such that the patient is incapable of making an objection and the next of kin or patient representative does not come forward and object; and  (E) Any request by the office of inspector general or the medicaid fraud control unit with respect to an ongoing investigation. No person or entity shall be subject to any civil or criminal liability for releasing patient information in response to a request from the office of inspector general or the medicaid fraud control unit.  (d) Notwithstanding this part or any other law to the contrary, it shall not be unlawful to disclose, nor shall there be any liability for disclosing, medical information in response to a subpoena, court order, or request authorized by state or federal law.
68-11-1503	Medical records, Pictures	Health Care Provider	(a)(2) A health care provider shall have in place a policy to protect the dignity of a patient, even if the patient dies or becomes incapacitated, by limiting the use and disclosure of medical records, images, videos or pictures intended to be used for appropriate medical educational purposes, even if the patient's information is de-identified. The policy shall include when and to whom it is appropriate to use and disclose the patient's information, and when a written authorization from the patient or their authorized representative is required, whenever it is reasonably possible to obtain it, prior to use or disclosure. If the patient becomes incapacitated or dies, and there is no legal representative for the patient, the patient's next of kin will be considered to be an authorized representative for the patient. When required, the written authorization will include the core elements required by 45 CFR Parts 160 and 164, "Standards for Privacy of Individually Identifiable Health Information."	(d) Notwithstanding this part or any other law to the contrary, it shall not be unlawful to disclose, nor shall there be any liability for disclosing, medical information in response to a subpoena, court order, or request authorized by state or federal law.
68-18-213	Licensure records, Soil scientist	Tennessee Department of Commerce and Insurance	Except as otherwise provided by this part, the following shall be treated as confidential and may not be disclosed except by order of a court of competent jurisdiction or by permission of the applicant:  (1) Applications and other personal information submitted by applicants, except to the applicant, the commissioner, department, its staff, or the SSAC [Soil Scientist Advisory Committee]; and  (2) Information submitted by a reference concerning an applicant, except to the commissioner, department, its staff, or the SSAC.	
68-24-301(a)	Student health information	Local Education Agencies (LEA)	Every physician or other medical professional who makes a diagnosis of or treats a person who is believed to be enrolled in school in a kindergarten through grade twelve (K-12) for a drug overdose, and every chief administrative officer of a hospital, clinic, or dispensary in which there is a case of drug overdose of such a person, shall report such cases to public school officials under rules of the department of health adopted to ensure that such reports are not in violation of federal or state laws requiring confidentiality in treatment of drug abusers. The reports shall contain nothing more than the type of the drug, the school in which the student was enrolled, and the name and address of the reporter. School officials shall share such reports with law enforcement agencies when the school officials deem it necessary as a means of controlling drug problems in the schools involved.	



Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-29-107	Infectious diseases	Tennessee Department of Health, Medical Laboratory Board	The reports [by owners or directors of laboratories of infectious diseases for the protection of the public health] submitted shall be deemed confidential and not subject to public inspection.	
68-55-204(d)	Identifying information, Traumatic brain injury	Tennessee Department of Health	The information [regarding a person with Traumatic Brain Injury] provided pursuant to this section shall be used only for the purposes stated in this chapter and shall only be used in accordance with the rules promulgated by the commissioner and, in all other instances, shall be confidential records as defined in § 10-7-504(a)(1).	Tenn. Comp. R. & Regs. 1200-20-13-.08(2) The department may use or authorize use of the compiled data for purposes that are necessary to provide for or protect the health of the population and as permitted by law. Patient identifier information shall only be used for the purpose of providing services to those individuals. However, for departmental internal use only, such information may be used to verify deaths reported to the Division of Vital Records.
68-102-113(b)	Published codes	Tennessee Department of Commerce and Insurance, State Fire Marshal	Published nationally recognized codes approved by the parent code groups, published amendments to nationally recognized codes approved by the parent code groups and published lists of acceptable materials and items tested and approved by a nationally recognized testing agency or laboratory are exempt from this provision [that records be indexed and published, kept up to date, and made available for either sale or public inspection].	
68-102-132	Investigations, Fires	Tennessee Department of Commerce and Insurance	All such records [a record of all fires occurring in this state and of all the facts concerning the fires occurring in the state, including statistics as to the extent of the fires and the damage caused by the fires, and whether such losses were covered by insurance, and, if so, in what amounts, made daily from the reports made to the commissioner by the commissioner's assistants under this chapter] shall be public, except any information secured in an investigation under this chapter, which the commissioner, in the commissioner's discretion, may withhold from the public.	
68-115-207	Applicant records, Medical records, Financial records, Confidential information	Tennessee Department of Commerce and Insurance, Tennessee Athletic Commission	(a) Except as otherwise provided in subsection (b), the commission and the executive director shall keep confidential:  (1) Any information, including, but not limited to, an applicant's social security number, that the commission or the executive director receives concerning an applicant for the issuance of a license pursuant to this chapter that is declared confidential by law and that is provided to the commission by the applicant, another governmental entity or the Association of Boxing Commissions;  (2) Any information contained in an applicant's medical records, if the information is not relevant to the commission in determining whether to grant a license to the applicant;  (3) Any information relating to the financial records of an applicant or licensee; and  (4) Any information required to be disclosed to the commission and kept confidential pursuant to federal law.	(b) The commission shall reveal the information set forth in subsection (a):  (1) Upon the lawful order of a court of competent jurisdiction;  (2) To any person, upon the request of the person who is the subject of the information; and  (3) In the course of the necessary administration of this chapter.
68-140-314(b)	Investigations, Identifying information	Tennessee Department of Health, Tennessee Emergency Medical Services Board	(1) [With respect to enforcement or disciplinary actions for a violation of the Emergency Medical Services Act of 1983.] the identifying information of the following, as well as all investigator created documents and reports, shall remain confidential at all times, unless and until introduced in the proceedings of a hearing conducted by the board:  (A) A complainant;  (B) Any witness who requests anonymity;  (C) A patient; and  (D) Medical records.  All materials, documents, and other matters relating to, compiled or created in the course of an investigation conducted by the department pursuant to this section shall be exempt from the public records act until the filing of a notice of charges.	(1) After the filing of a notice of charges, only the information and those materials and documents upon which the charges are based are available for disclosure under the public records act, compiled in title 10, chapter 7.  (2) This section does not modify or limit the prehearing discovery provisions set forth in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3.

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-140-319(1)(D)	Ambulances	Ambulance Service Providers	Except as otherwise provided by law, such patient's [ambulance service provider's] run record or records shall not constitute a public record, and nothing contained in this part shall be deemed to impair any privilege of confidentiality conferred by law on patients, their personal representatives or heirs. . . . As used in this subdivision (1), "run record" includes any list of patients that is compiled or maintained by or for such patient's ambulance service provider, but shall not include the dispatch log.	Nothing in this subdivision (1)(D) shall impair or abridge the right of the patient or the patient's authorized representative to obtain copies of the patient's hospital records in the manner provided in § 68-11-304. Nothing in this subdivision (1)(D) shall be construed as prohibiting a patient's run record or records from being subpoenaed by a court of competent jurisdiction.
68-140-602	Meetings, Database	Interstate Commission for EMS Personnel Practice, Tennessee Department of Health	Section 10.B.6. All minutes and documents of a closed meeting [as provided in Section 10.B.5] shall remain under seal.  Section 11. D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.	Section 10.B.6. [Closed meeting minutes and documents are] subject to release by a majority vote of the commission or order of a court of competent jurisdiction.
68-141-105	Identifying information	Tennessee Department of Health, Poison Control Centers	A regional poison control center may provide the services described in § 68-141-104, either directly or through contract with other facilities or agencies. Appropriate measures shall be taken to ensure the confidentiality of information about individuals to whom treatment for poison exposures is provided in accordance with guidelines established by the commissioner of health.	
68-142-108	Meetings, Child fatality	Tennessee Department of Health, Child Fatality Prevention Team, Local Child Fatality Prevention Team	(d) Meetings of the state team and each local team shall not be subject to title 8, chapter 44, part 1. Any minutes or other information generated during official meetings of state or local teams shall be sealed from public inspection. However, the state and local teams may periodically make available, in a general manner not revealing confidential information about children and families, the aggregate findings of their reviews and their recommendations for preventive actions.  (e)(1) All otherwise confidential information and records acquired by the state team or any local child fatality review team in the exercise of the duties are confidential, are not subject to discovery or introduction into evidence in any proceedings, and may only be disclosed as necessary to carry out the purposes of the state team or local teams and for the purposes of the Sudden, Unexplained Child Death Act, compiled in chapter 1, part 11 of this title.  (2) In addition, all otherwise confidential information and records created by a local team in the exercise of its duties are confidential, are not subject to discovery or introduction into evidence in any proceedings, and may only be disclosed as necessary to carry out the purposes of the state or local teams and for the purposes of the Sudden, Unexplained Child Death Act. Release to the public or the news media of information discussed at official meetings is strictly prohibited. No member of the state team, a local team nor any person who attends an official meeting of the state team or a local team, may testify in any proceeding about what transpired at the meeting, about information presented at the meeting, or about opinions formed by the person as a result of the meeting.	(e)(3) This subsection (e) shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.
68-142-205	Meetings, Fetal and infant mortality	Tennessee Department of Health, Fetal and Infant Mortality Review (FIMR) Program and Review Teams	(b) Except as required to be disseminated by rules and regulations promulgated pursuant to this part, any meeting minutes, documents, records, or other information acquired, generated, or reviewed during the meetings or while otherwise carrying out FIMR duties and responsibilities shall be confidential and not be subject to disclosure as public records.  (c) Except as required to be disseminated by rules and regulations promulgated pursuant to this part, none of the information acquired, generated, or reviewed in subsection (b) is subject to discovery or introduction into evidence in any proceeding, nor may any person testify in any proceeding about the information or the opinions formed as a result of the review of the information.	(c) This subsection (c) shall not, however, prohibit a person from testifying in a civil or criminal action about matters within that person's independent knowledge.
68-202-217	Proprietary information, Radiological information, Nuclear materials	Tennessee Department of Environment and Conservation (TDEC)	The commissioner [of TDEC] shall establish procedures to ensure that information supplied to the department, as provided by this part [Radiological Health Service Act], and defined as proprietary by regulation [Tenn. Comp. R. & Regs. 0400-20-04-.10], is kept confidential and is not revealed to any person without the consent of the person supplying such information.	[S]uch information may be utilized by the commissioner, the department, the United States nuclear regulatory commission, other appropriate federal agencies, or as necessary to comply with applicable federal law. The commissioner shall establish procedures that proprietary information will be maintained in a manner consistent with applicable federal law. Proprietary information shall not include the name and address of license applicants.

Exceptions to the Tennessee Public Records Act

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
68-212-109	Proprietary information, Hazardous waste	Tennessee Department of Environment and Conservation (TDEC), Underground Storage Tanks and Solid Waste Disposal Control Board	The board shall establish procedures to ensure that information supplied to the department, as provided by this part, and defined as proprietary by regulation, is not revealed to any person without the consent of the person supplying such information.  Rule 0400-11-01-.09 (5)(d) Material data collected from private sector recovered materials processing facilities shall be considered proprietary business information if requested by the private material recovery facility, and shall be protected as such and not be disclosed in a non-aggregated format. Data ownership information shall not be disclosed in this circumstance unless authorized by the data originator to do so.	Proprietary information does not include the name and address of permit applicants. Proprietary information may be utilized by the commissioner, the board, the department, the United States environmental protection agency (EPA), or any authorized representative of the commissioner or the board in connection with the responsibilities of the department or board pursuant to this part or as necessary to comply with federal law.
68-212-205(d)(1)(A)	Hazardous waste	Tennessee Department of Environment and Conservation (TDEC), Underground Storage Tanks and Solid Waste Disposal Control Board	Such [hazardous waste remedial action] fund may also be used for any of the following activities: (A) Provide free, voluntary, confidential, on-site technical assistance to hazardous waste generators to assist them in evaluating their hazardous waste generation and to identify opportunities to reduce generation of hazardous waste and to recycle and reuse that which is generated.	
68-212-306(b)	Hazardous waste reduction progress reports	Tennessee Department of Environment and Conservation (TDEC), Underground Storage Tanks and Solid Waste Disposal Control Board	Except for the information reported to the department under § 68-212-308, the annual [hazardous waste reduction] progress report [prepared by a generator] shall be retained at the facility and shall not be considered a public record under title 10, chapter 7, part 5.	However, the generator shall permit any officer, employee or representative of the department at all reasonable times to have access to the annual progress report.
68-212-311	Hazardous waste	Tennessee Department of Environment and Conservation (TDEC), Underground Storage Tanks and Solid Waste Disposal Control Board	A [hazardous waste reduction] plan or annual progress report [under § 68-212-306] developed pursuant to this part and maintained at the generating facility shall not be considered a public record under title 10, chapter 7, part 5. The board shall establish procedures to ensure that information supplied to the department, as provided by this part, and defined as proprietary by regulation, is not revealed to any person without the consent of the person supplying such information.	However, the summary information on waste reduction activities submitted to the department may be utilized by the commissioner, the board, the department, the United States environmental protection agency (EPA) or any authorized representative of the commissioner or the board in connection with the responsibilities of the department or board pursuant to this part or as necessary to comply with federal law. Copies of any Form Rs, provided to the state and the EPA shall be available to the public from the Tennessee emergency management agency.
68-215-108	Proprietary information	Tennessee Department of Environment and Conservation (TDEC), Underground Storage Tanks and Solid Waste Disposal Control Board	The board shall establish procedures to ensure that information supplied to the department as required by this chapter, and as defined as proprietary by regulation, is not revealed to any person, except as provided in this section.	Proprietary information shall not include the name and address of the owner and/or operator of petroleum underground storage tanks. Proprietary information may be utilized by the commissioner, the board, the department, the United States environmental protection agency (EPA), or any authorized representative of the commissioner or board in connection with the responsibilities of the department or board pursuant to this chapter or as necessary to comply with federal law.
69-3-113	Secret formulae or proprietary manufacturing processes	Tennessee Department of Environment and Conservation (TDEC), Board of Water Quality, Oil and Gas	(b) [Secret formulae or proprietary manufacturing processes shall not] be available to the public for reasonable inspection and copying.  (a)(1) [When] the board [of water quality, oil and gas] or the commissioner has reason to believe [a person] is causing, or may be about to cause, pollution, or any person having information concerning such person, upon request by the board or commission, such person shall furnish the board or the commissioner all pertinent information required in the discharge of duties under this part.  (a)(2) Under this section, information includes . . .secret formulae and proprietary manufacturing processes.  (a)(3) All information shall be used by the board only for purposes of water quality control. The board or the commissioner has the power to issue protection orders to prevent public dissemination of any secret formulae or proprietary manufacturing processes, except that such orders shall not extend to information concerning waste products discharged into the waters of the state.	
69-7-305(1)	Trade secrets	Tennessee Department of Environment and Conservation (TDEC)	If requested and if it is deemed necessary by the commissioner to protect trade secret information as defined in § 47-25-1702 [received in the annual collection and compilation of water quantity data and other quantity information, including data and information on uses of water and well data], the commissioner shall keep such trade secret information confidential;	
71-1-118(a)	Welfare lists	Tennessee Department of Human Services (DHS)	The welfare lists referred to in § 71-1-117 cannot be used for political or commercial purposes and no one will be permitted to copy such a list.	

Source	Subject Matter	Government Entity	Description	Exceptions To Exception
71-1-131	Child and spousal support services	Tennessee Department of Human Services (DHS)	<p>(a)(1)(A) The records of the department, its contractors or agents concerning the provision of Title IV-D child or spousal support services shall be confidential and information in such records shall not be subject to public inspection by any person or entity and the records shall not be used in judicial, administrative or legislative proceedings or for law enforcement activities, except as otherwise provided in this section.</p> <p>(b) Notwithstanding any other provisions of this section, information that is required to be provided to the department of human services, its contractors or agents by the department of labor and workforce development shall not be further disclosed or utilized except to the extent permitted and for the purposes allowable pursuant to § 50-7-701 or under applicable federal or state law or regulations.</p> <p>(a)(1)(B) Any information provided to the department, its contractors or agents by any other state or federal agencies or other entities, that is required by federal or state law or regulations to be provided to the department as part of the department's Title IV-D responsibilities to establish, enforce or modify child or spousal support, but which information is otherwise protected as confidential by the laws or regulations of the United States or by any state's, territory's or other government's law or regulations, shall also be confidential, and shall be held by the department in a confidential manner. Such information shall also not be subject to public inspection by any person or entity and shall not be used in judicial, administrative or legislative proceedings or for law enforcement activities, except as otherwise provided in this section.</p> <p>(a)(3)(A) Notwithstanding the foregoing provisions of this section and any other law to the contrary, no information shall be disclosed by the department pursuant to this section from Title IV-D records maintained by the department, its contractors or agents when:</p> <p>(i) A protective order has been entered against one party and the release of information from such record would disclose the whereabouts of the party or the child for whose benefit the protective order was entered; or</p> <p>(ii) The department, its contractors or agents have reason to believe that the release of information concerning the whereabouts of one party or the child to another person may result in physical or emotional harm to the party or the child.</p> <p>(a)(4) Notwithstanding any law to the contrary, when any information regarding a consumer report, as defined in 15 U.S.C. § 1681a, from a consumer reporting agency is obtained by the department, its contractors or agents, such information will be kept confidential and will be used solely for the purposes of establishing an individual's capacity to make child or spousal support payments or in determining the appropriate level of such payments, such report shall be confidential and will not be available by subpoena or court order for any civil, criminal, or administrative proceeding, law enforcement activity or for any other purpose, except for the purpose of the establishment, enforcement and modification of child or spousal support obligations by the department, or by any federal, state, territorial, or foreign child or spousal support enforcement agency, or by their contractors or agents.</p> <p>(a)(5) Notwithstanding any law to the contrary, any financial information obtained from a financial institution by the department, its contractors or agents regarding an individual shall be confidential and will not be available by subpoena or court order for any civil, criminal or administrative proceeding, law enforcement activity or for any other purpose, and shall be disclosed only for the purpose of and to the extent necessary for the establishment, enforcement and modification of child or spousal support obligations by the department, its contractors or agents or by any federal, state, territorial, or foreign child support enforcement agency or their contractors or agents.</p> <p>(a)(6) Notwithstanding any law to the contrary, any information that is required to be given to the department of human services, its contractors or agents by any requirement of federal or state law or regulations as part of the department's responsibilities to enforce child or spousal support, but that is otherwise not subject to subdivisions (a)(4) and (a)(5), and that is otherwise ordinarily protected by federal or state law or regulations from disclosure or use because it is protected as confidential information, shall be confidential and shall not be available by subpoena or court order for any civil, criminal, administrative proceeding, law enforcement activity, or for any other purpose. Such information shall be disclosed only to the extent permitted by such federal or state laws or regulations, or only for the purpose of and to the extent necessary for the establishment, enforcement and modification of child support obligations by the department, its contractors or agents or by any federal, state, territorial, or foreign child support enforcement agency or their contractors or agents.</p>	<p>(a)(1)(C) Except as limited by subdivision (a)(2), the department, its contractors or agents may disclose any information in the records of the Title IV-D child or spousal support records for purposes directly connected with the establishment of paternity or the establishment, modification, or enforcement of child or spousal support in any judicial or administrative proceeding or for the administration of any part of the child support program.</p> <p>(a)(2) [Unless information] provided to the department pursuant to any federal or state law or regulation for purposes related to the establishment, enforcement or modification of child or spousal support under the Title IV-D child support program is otherwise specifically protected from further disclosure or further use by any other federal, state, territorial or other government law or regulation, the department is specifically authorized to further utilize or further disclose any information from the Title IV-D child or spousal support records for any purposes that it determines in its sole discretion are directly connected [with certain specified activities].</p>

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