

**New and Amended Exceptions  
to the  
Tennessee Public Records Act**

Appendix A

May 2018





Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
4-3-1010(c)	July 1, 2018	Economic development, Executive records, Travel expenditures	Tennessee Department of Finance and Administration, Governor	[Out-of-state travel expenditures and reimbursements made for the Governor and his or her staff] shall not be posted if the out-of-state travel occurred for the purpose of recruiting industry or economic development in the state and the information, in the judgment of the commissioner, has the potential to harm contract negotiations or otherwise place the state at a competitive disadvantage in seeking industrial or economic development opportunities.	The commissioner of finance and administration shall cause to be posted on the official website of the state a report that contains all out-of-state travel expenditures and any expense reimbursements made for the expenditures to the governor, any member of the governor's cabinet, and cabinet level staff in accordance with the comprehensive travel regulations of the state or any policy of the governor.  "Out-of-state travel expenditures" includes: expenses for which corresponding reimbursements are made; and direct travel expenditures, including airfare, travel, hotel, and any other expenses paid for directly by using a state-approved vendor or with the use of a state-issued payment card. The report shall include the purpose of the expenditures and any reimbursements made and shall be reported by the person making the expenditures.
4-14-308	July 1, 2018	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.	If 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 seven (7) 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, seven (7) years from the date such information was made or received.
10-7-504(a)(1)	April 2, 2018	Medical records, Identifying information	Tennessee Department of Health	(A)...individually identifiable health information collected, created, or prepared by the department of health shall be treated as confidential and shall not be open for inspection by members of the public.  (B) As used in this subdivision (a)(1), "individually identifiable health information" means information related to the physical or mental health of an individual and that explicitly or by implication identifies the individual who is the subject of the information, including by name, address, birth date, death date, admission or discharge date, telephone number, facsimile number, electronic mail address, social security number, medical record number, health plan beneficiary number, account number, certificate or license number, biometric identifier, or any other identifying number, characteristic, or code.	The Department of Health may disclose such information as authorized or required by law.
10-7-504(a)(2)	Pending Gubernatorial Action	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 such inspection is directed by a duly adopted resolution of either house or of a standing or joint committee of either house, or if such inspection is directed by a majority vote of the entire membership of an ad hoc committee appointed specifically to study unsolved civil rights crimes that occurred between 1938 and 1975 and that is composed only of elected members of the general assembly. Any record inspected pursuant to this exception shall maintain its confidentiality throughout the inspection. 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 officer-involved shooting death is open after completion of prosecutorial function by DAG; DAG may disclose prior to completion.]

Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
10-7-504(a)(17)	July 1, 2018	Domestic violence shelters, rape crisis centers, and human trafficking service providers	All	The telephone number, address, and any other information which could be used to locate the whereabouts of a domestic violence shelter, family safety center, rape crisis center, or human trafficking service provider, as defined in § 36-3-623, 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), upon the director of the shelter, family safety center, crisis center, or human trafficking service provider giving written notice to the records custodian of the appropriate entity or utility that such shelter, family safety center, crisis center, or human trafficking service provider desires that such identifying information be maintained as confidential. 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.	
11-1-102(c)	April 2, 2018	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 § 10-7-503 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 United States nuclear regulatory commission or by a state under an agreement with the nuclear regulatory commission pursuant to § 274(b) of the Atomic Energy Act, codified in 42 U.S.C. § 2021(b), that are not available to the public under federal law, regulation, or guidance, or nuclear regulatory commission regulatory issue summary; provided, that records made confidential pursuant to this subdivision (c)(1) may be redacted whenever possible and made open for inspection and copying;  (4) Containing information regarding the specific location of a site or artifact if the commissioner or the commissioner's designee determines that disclosure of such records would create a substantial risk of damage to or destruction of either the historical value of such site or artifact or private property. For purposes of this subdivision (c)(4), "site" and "artifact" have the same meaning as defined in § 11-6-102.	
13-10-204	April 18, 2018	Railway safety	Tennessee Department of Transportation, Contractors acting on behalf of Department of Transportation	(a) The data collected for and reports concerning investigations conducted under this part by the department, or a contractor acting on behalf of the department, shall be confidential and not open for inspection by members of the public pursuant to the open records law, compiled in title 10, chapter 7, and may not be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in such a report. (b) Any portion of a rail fixed guideway public transportation system safety plan that concerns security for the system shall be confidential and not open for inspection by members of the public pursuant to the open records law, compiled in title 10, chapter 7.	
29-34-106	Pending Gubernatorial Action	Victims, Identifying information, minors	All	Notwithstanding any law to the contrary, any provision of a settlement agreement that has the purpose or effect of concealing the details relating to a claim of child sexual abuse, as defined in § 37-1-602, is void and unenforceable as contrary to the public policy of this state; except that identifying information concerning a victim of child sexual abuse shall be deemed and maintained as confidential.	
36-3-623	July 1, 2018	Domestic violence shelters, rape crisis centers, and human trafficking service provider	All	(a) The records of domestic violence shelters, rape crisis centers, and human trafficking service providers shall be treated as confidential by the records custodian of such shelters, centers, or providers. (b) As used in this section, "human trafficking service providers" means agencies or groups that are incorporated as a not-for-profit organization for at least six (6) months, are tax-exempt under § 501 of the Internal Revenue Code, codified in 26 U.S.C. § 501, and that have provided services to victims of human trafficking.	(a)(1) The individual to whom the records pertain authorizes their release; or (a)(2) A court approves a subpoena for the records, subject to such restrictions as the court may impose, including in camera review.
37-1-506(a)	Pending Gubernatorial Action	Identifying information	Tennessee Council of Juvenile and Family Court Judges	Notwithstanding any law to the contrary, identifying information received by the [Tennessee] council [of juvenile and family court judges] 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 shall 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. The council shall develop guidelines and procedures to expunge identifying information collected on juveniles; provided, that such expunction shall occur only after the juvenile reaches the age that is beyond jurisdiction of the juvenile court.

Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
39-14-113(g)	Pending Gubernatorial Action	Store value card information	Law Enforcement	All information gathered pursuant to subsection (f) shall remain confidential. If a local law enforcement agency utilizes a third party, including, but not limited to, a third-party database or software company, to keep records or to analyze stored value card transactions, the third party must agree to keep all information confidential.	Only share the information with law enforcement agencies, the comptroller of the treasury, or the original issuer of the store value card.
40-38-103(b)	July 1, 2018	Victims, Identifying information	Law Enforcement	Upon the request of a victim of violent crime involving serious bodily injury or death of a relative, the victim shall be supplied information and a request form by the law enforcement agency responsible for the investigation of the crime or the arrest of the defendant, the sheriff or other custodian of the defendant, or the victim-witness coordinator as to how the victim or relative of a victim may request and secure notification of the release from custody of an offender from a jail or detention facility prior to trial. The jailer, sheriff, or other custodian of criminal offenders shall maintain a physical or electronic record or file of the victim's request for notification and, prior to the release of an offender about whom a notification request has been made, give immediate and prompt notice of the release to the requesting victim or family member of a victim by the most direct means available, including telephone, messenger, or telegram; provided, that if the victim or family member of a victim is registered with the state's electronic victim notification system, the notice required by this section shall be communicated by the method or methods indicated by the registration in the system. Any identifying information contained in the request forms shall be confidential. For purposes of this subsection (b), "identifying information" means the name, home and work addresses, telephone numbers, email address, and social security number of the person being notified or requesting that notification be provided.	
40-38-602(f)	Pending Gubernatorial Action	Victims of domestic abuse, stalking, human trafficking, rape, sexual battery, or any other sexual offense. Identifying information.	Secretary of State, All	Except as otherwise provided in this part, an [address confidentiality] program participant's confidential address, and any other information contained within a program participant's file, maintained by a state or local government agency, or disclosed by the secretary of state under this part, is not a public record.	This subsection (f) shall not apply: (1) To any public record created more than thirty (30) days prior to the date that the program participant applied to be certified in the program; or (2) If a program participant voluntarily requests that a state or local government agency use the participant's confidential address or voluntarily gives the confidential address to the state or local government agency, except voter registration records and absentee ballot requests shall be confidential for purposes of this part.
49-6-4108	April 19, 2018	Student records	LEAs, Tennessee Department of Education	(b) The report submitted pursuant to this section shall exclude any personally identifiable information and shall be created in accordance with the Family Education Rights and Privacy Act (FERPA), (20 U.S.C. § 12329), § 10-7-504, and any other relevant state or federal privacy law.	(a) Beginning with the 2018-2019 school year, each LEA shall submit, at least annually, a report to the department of education detailing the LEA's use of corporal punishment. The report shall include, at a minimum: (1) The school at which each instance of corporal punishment occurred; (2) Information regarding the reason for each instance of corporal punishment; (3) Whether an instance of corporal punishment involved a student with an active individualized education program, and if so, the primary disability category for which the student has an individualized education program; and (4) Whether an instance of corporal punishment involved a student with an active 504 plan under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and if so, the reason for which the student has a 504 plan.  (c) The department shall report on its website the number of instances of corporal punishment in each LEA and the number of instances involving a student with an active individualized education program or an active 504 plan under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794).

Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
49-7-154	April 19, 2018 Repeal Date: July 1, 2021	CEO application materials, Employees	Public Higher Education Institutions	(a) An 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.	After 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.  (c)(3) No later than fifteen (15) calendar days before the final vote of the governing board to appoint or elect a person to fill a position listed in subdivision (c)(1), records relating exclusively to the candidates identified pursuant to subdivision (c)(1) shall not be treated as confidential and shall be open for public inspection, except for a record otherwise confidential under state or federal law.
56-2-125	Pending Gubernatorial Action	Health insurance, Payer claims database	Tennessee Department of Commerce and Insurance, Tennessee Department of Finance and Administration, Tennessee Health Information Committee	(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. The all payer claims database shall be accessed only by staff or a designated entity authorized in writing by the commissioner of finance and administration to perform the analyses contemplated by this section. The commissioner shall develop procedures and safeguards to protect the integrity and confidentiality of any data contained in the all payer claims database. (d)(2)(A)(i) 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, and other information submitted under this section, 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). The information contained in the all payer claims database shall be considered confidential and not subject to subpoena.  (d)(2)(C) Except for officials of the state or those officials' designees as permitted by subdivision (d)(1), nothing in this section shall be construed as permitting access to or discovery of the source or draft information used to construct or populate the all payer claims database.	(d)(2)(A)(ii) The commission may promulgate rules to authorize the public release of reports derived from the information. 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.  (d)(2)(B) The commissioner shall, through memoranda of understanding, allow the use of the all payer claims database by the department of finance and administration, the department of health, the department of mental health and substance abuse services, the department of intellectual and developmental disabilities, and other departments of state government for the purposes listed in subdivision (b)(1).
56-6-208(b)(6)(A)	May 3, 2018	Insurance records	Tennessee Department of Commerce and Insurance	(ii) Any information submitted by an assuming insurer who is applying for certification as a reinsurer pursuant to subdivision (b)(6)(A)(i) and any information submitted to the commissioner pursuant to this section or any rule promulgated under this section by an assuming insurer who has been certified as a reinsurer pursuant to subdivision (b)(6)(A)(i) is confidential by law, is not open for inspection by members of the public under § 10-7-503 or § 56-1-602, is not subject to subpoena, and is not subject to discovery or admissible in evidence in any private civil action.	However, the commissioner may 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 and may share the documents, materials, or other information in accordance with the procedures set forth in § 56-1-108(c)-(f).

Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
56-2-907	January 1, 2019	Corporate governance annual disclosure (CGAD)	Tennessee Department of Commerce and Insurance	<p>(a) Documents, materials, or other information, including the CGAD, in the possession or control of the department that are obtained by, created by, or disclosed to the commissioner or any other person under this part, are recognized as being proprietary and containing trade secrets. All such documents, materials, or other information are confidential by law and privileged, are not subject to public inspection under § 10-7-503 or § 56-1-602, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. However, 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. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer. Nothing in this section requires the written consent of the insurer before the commissioner may share or receive confidential documents, materials, or other CGAD-related information pursuant to subsection (c) to assist in the performance of the commissioner's official duties.</p> <p>(b) Neither the commissioner nor any person that receives documents, materials, or other CGAD-related information, through examination or otherwise, while acting under the authority of the commissioner, or with whom the documents, materials, or other information are shared pursuant to this part, are permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (a).</p>	<p>(c) In order to assist the commissioner in the performance of the commissioner's regulatory duties, the commissioner:</p> <p>(1) May, as necessary and upon request, share documents, materials, or other CGAD-related information, including the confidential and privileged documents, materials, or information subject to subsection (a), and including proprietary and trade secret documents and materials, with other state, federal, or international financial regulatory agencies, including members of any supervisory college as set forth in § 56-1 1-116, and with the NAIC, and with third party consultants pursuant to § 56-9-108; provided, that the recipient agrees in writing to maintain the confidentiality and privileged status of the CGAD-related documents, materials, or other information and has verified in writing its legal authority to maintain such confidentiality; and</p> <p>(2) May receive documents, materials, or other CGAD-related information, including otherwise confidential and privileged documents, materials, or information, and including proprietary and trade-secret information or documents, from regulatory officials of other state, federal, or international financial regulatory agencies, including members of any supervisory college as set forth in § 56-11-116, and from the NAIC, and shall maintain as confidential or privileged any such documents, materials, or information received with notice or the understanding that they are confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or information.</p> <p>(e) No waiver of any applicable privilege or claim of confidentiality in documents, proprietary and trade-secret materials, or other CGAD-related information shall occur as a result of disclosure of CGAD-related information or documents to the commissioner under this part or as a result of sharing as authorized under this part.</p>
56-2-908(c)	January 1, 2019	Corporate governance annual disclosure (CGAD)	Tennessee Department of Commerce and Insurance	The NAIC and any third-party consultants [retained by the Commissioner of Commerce and Insurance to assist with review of the CGAD] are subject to the same confidentiality standards and requirements as the commissioner.	
56-7-2360(f)	January 1, 2019; Pending Gubernatorial Action;	Health insurance, Identifying information	Tennessee Department of Health	The name and identity of the health insurance carrier [contained in a public report issued by the department pursuant to subsection (e)] must be given confidential treatment, may not be made public by the commissioner or any other person, and shall not be subject to public inspection pursuant to § 10-7-503.	
56-11-108(a)	January 1, 2019	Insurance holding companies, Examinations, Investigations	Tennessee Department of Commerce and Insurance	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 or provided to the department pursuant to §§ 56-1 1-103(b)(13)-(15), 56-11-105, 56-11-106, and 56-11-116(d), are confidential by law and privileged, are not subject to § 10-7-503 or § 56-1-602, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. 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. 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.	

Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
59-8-105(d)	April 25, 2018	Coal mining	Tennessee Department of Environment and Conservation	Information submitted to the department and the commissioner pursuant to this section as confidential trade secrets or privileged commercial or financial information, which relates to the competitive rights of the person or entity intended to explore the described area, shall not be available for public examination under title 10, chapter 7.	
59-8-106(c)	April 25, 2018	Coal mining	Tennessee Department of Environment and Conservation	Information pertaining to coal seams, test borings, core samplings, or soil samples required by this section shall be made available to any person with an interest that is or may be adversely affected; however, information that pertains only to the analysis of the chemical and physical properties of the coal, except that 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 under title 10, chapter 7.	
59-8-112(b)	April 25, 2018	Coal mining	Tennessee Department of Environment and Conservation	Any person may see and review the entire application, except for information that is classified as confidential in this part or § 10-7-504, and any aggrieved person, or the officer or head of any federal, state, or local governmental agency or authority may file written objections to the application for a permit within thirty (30) days after the last publication of the newspaper notice required by § 59-8-106(k).	
59-8-114(j)(2)	April 25, 2018	Coal mining	Tennessee Department of Environment and Conservation	The identity of any person supplying information [to the commissioner regarding an alleged violation of this part or other rule] shall remain confidential.	Only confidential if [the confidentiality of the identity of the person supplying the information is] requested by the person [supplying the information]
65-17-108	April 24, 2018	Proprietary information, Wind energy facility permits	Counties, Municipalities	All [wind energy facility] permit applications and other documents received by a local legislative body pursuant to this chapter, and any documents used by the local legislative body to evaluate the permit application, shall be subject to disclosure under § 10-7-503; except, that at all times under this chapter, proprietary information contained in a permit application or in other documents received by the local government pursuant to this chapter, or in any other documents used by the local government to evaluate and approve or deny the permit applications, shall remain confidential and not subject to disclosure to the public pursuant to this section, § 10-7-503, or any other law.	
67-6-101(g)	July 1, 2019; Pending Gubernatorial Action	Tax Information	Tennessee Department of Finance and Administration	All applications, documents, communications, and reports related to this section (Event Tourism Act) are public records subject to disclosure pursuant to title 10, chapter 7, part 5, except for any tax information or tax administration information that is confidential pursuant to chapter 1, part 17 of this title.	
68-1-128(h)	Pending Gubernatorial Action	Medical information, Identifying information	Tennessee Comptroller of the Treasury	Notwithstanding any other state law, the department of health, the controlled substance database, and a licensing board of any prescriber of opioids shall disclose to the comptroller of the treasury any relevant information in order for the comptroller to complete this study from July 1, 2018, through June 30, 2020. Any record that personally identifies a patient or a healthcare practitioner that is disclosed to the comptroller shall be confidential and shall not be disclosed as a public record at any time and shall not be subject to a subpoena.	
68-11-210(f)	Pending Gubernatorial Action	Hospital records	Tennessee Department of Health	(2)(C) The information in subdivisions (f)(2)(B)(i)-(vi)[reported by hospitals to the department of health regarding involuntary commitment], 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.

Appendix A: New and Amended Exceptions to the Tennessee Public Records Act

Source	Effective Date	Subject Matter	Government Entity	Description	Exceptions To Exception
68-11-1310	May 1, 2018	Hospital cooperative agreements	Tennessee Department of Health, Attorney General and Reporter	<p>(a) The following records received by the department or the attorney general and reporter from the recipients or applicants of a certificate of public advantage for a cooperative agreement issued pursuant to this part shall not be subject to disclosure pursuant to title 10, chapter 7, part 5:</p> <ul style="list-style-type: none"> <li>(1) Operating and capital budgets;</li> <li>(2) Existing and future business plans other than any plans, and any modifications to those plans, that are required to be submitted to the state pursuant to a certificate of public advantage or application for a certificate of public advantage;</li> <li>(3) Financial audit working papers as defined in § 4-3-304(7);</li> <li>(4) Contracts or agreements with payors and payor pricing information;</li> <li>(5) Physician recruitment plans and contracts or agreements with physicians;</li> <li>(6) Contracts or agreements with vendors;</li> <li>(7) Complaints, including hotline complaints and open investigations of such complaints; and</li> <li>(8) Employee personnel files, including performance evaluations, disciplinary actions, individual compensation amounts, and employment contract terms not otherwise publicly available.</li> </ul> <p>(b) Records set forth in subsection (a) may contain trade secrets as defined in § 47-25-1702. The state shall notify in writing the recipient or applicant of a certificate of public advantage for a cooperative agreement at least seven (7) business days before any intended disclosure of such records. The recipient, applicant, or third party may petition the department pursuant to § 4-5-223 for a declaratory order to determine if disclosure would cause the loss of a trade secret. Any contested case convened in response to the petition shall be conducted as set forth in title 4, chapter 5, part 3; however, the provisions of § 4-5-325 shall not be applicable. Records subject to the petition shall not be disclosed until the review process in title 4, chapter 5, part 3 is completed.</p>	
71-5-1004(d)	July 1, 2018	Nursing homes	Nursing Homes, TennCare Bureau	<p>(d) Any submissions by any facility relating to documentation of and participation in the quality-based component of the reimbursement methodology for nursing facilities 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. However, nothing in this rule shall be construed to make immune from discovery or use in any judicial or administrative proceeding information, record, or documents that are otherwise available from original sources kept in the facility and would otherwise be available to a litigant through discovery requested from the facility.</p>	The confidentiality provisions of this subsection (d) shall also not apply to any judicial or administrative proceeding contesting the determination of the bureau of TennCare regarding the facility's quality component reimbursement.
71-6-118	Pending Gubernatorial Action	Identifying information	Law Enforcement	<p>(a) The identity of a person who reports abuse, neglect, financial exploitation, or sexual exploitation as required under this part or title 39, chapter 15 is confidential and may not be revealed except to the district attorney general upon return of a criminal indictment or presentment alleging abuse, neglect, financial exploitation, or sexual exploitation of an elderly or vulnerable adult, or upon an order by a court with jurisdiction under this part for good cause shown.</p>	<p>(c)(1) When necessary to protect elderly or vulnerable adults in a healthcare facility licensed by any state agency, such information, reports, and investigations may be disclosed to any agency providing licensing or regulation for that facility; however, the information, reports, and investigations shall retain the protection of subsection (b) when disclosed to such agency and may not be disclosed to, or used by, any other person.</p>