

# New and Amended Exceptions to the Tennessee Public Records Act

Appendix B



June 2019





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Source	Effective/Sunset Date	Subject Matter	Government Entity	Description	Exceptions To Exception
4-51-310(a)(1)(4)	July 1, 2019	Sports wagering	Tennessee Education Lottery Corporation (TELC), Sports Wagering Advisory Council	[Sports Wagering Advisory Council] shall prescribe by rule the type of information deemed to be confidential financial or proprietary information that is not subject to any reporting requirements under this part.	
4-51-312(c)	July 1, 2019	Sports wagering	Tennessee Education Lottery Corporation (TELC), Sports Wagering Advisory Council, Licensees of Wagering Advisory Council.	The corporation shall maintain a confidential registry of persons and categories of persons who are ineligible to place a wager in this state and shall provide the registry to each licensee in this state. The corporation shall provide each updated registry to the licensees as soon as practicable. Each licensee shall maintain the registry provided by the corporation confidentially.	
4-51-330	July 1, 2019	Sports wagering	All	(a) It is unlawful for any person or entity, directly or indirectly, to knowingly receive, supply, broadcast, display, or otherwise transmit material non-public information for the purpose of wagering on a sporting event or influencing another person's or entity's wager on a sporting event.  (d) As used in this section, "material non-public information" means information that has not been disseminated publicly concerning an athlete, contestant, prospective contestant, or athletic team, including, without limitation, confidential information related to medical conditions or treatment, physical or mental health or conditioning, physical therapy or recovery, discipline, sanctions, academic status, education records, eligibility, playbooks, signals, schemes, techniques, game plans, practices, strategies, assessments, systems, drills, or recordings of practices or other athletic activities.	
8-27-507(c)(C)	July 1, 2019	Identifying information, Medical insurance claim records	Counties	Third party [health or liability insurer or party responsible for the payment of employee healthcare claims] shall provide the information [about covered individuals] upon receipt of written request from the county, with the third party establishing confidentiality requirements for the information.	
8-27-608(c)(C)	July 1, 2019	Identifying information, Medical insurance claim records	Municipalities, Special School Districts	The third party [health or liability insurer or party responsible for the payment of employee healthcare claims] shall provide the information [about covered individuals] upon receipt of written request from the municipal corporation or special school district, with the third party establishing confidentiality requirements for the information.	
10-7-504(a)(31)	July 1, 2019 Sunset – June 30, 2026	Identifying information, Motor vehicle accident reports	Law enforcement, All	(A) Except as provided in subdivisions (a)(31)(B)-(D), personally identifying information of any person named in any motor vehicle accident report is confidential and not open for public inspection.	(B) Notwithstanding subdivision (a)(31)(A) and upon written request, any person named in any motor vehicle accident report, or such person's agent, legal representative, or attorney, certifying that the person has permission from the person, persons, or entities authorized to obtain motor vehicle records information pursuant to § 55-25-107(b)(1), (6) or (9), is authorized to receive an accident report containing personally identifying information of persons involved in the accident.  (C) Notwithstanding subdivision (a)(31)(A), any federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency may use personally identifying information in carrying out the agency's functions.  (D) Nothing in this subdivision (a)(31) prevents a law enforcement entity from releasing information about traffic accidents to the public, including the name, age, and county or city of residence of a person involved in an accident, when the law enforcement entity determines such release is in the best interest of the agency and for the public good.
10-7-504(x)	April 3, 2019 Sunset – July 1, 2026	Museum donors	Tennessee State Museum	The following information regarding donors to the state museum is confidential and not open for inspection by members of the public, upon the donor's advance request; provided, however, that the museum may disclose such information as authorized or required by law:  (1) Residential information, including the street address, city, state, and zip code; (2) Home telephone and personal cell phone numbers; (3) Social security number; (4) Electronic mail address; and (5) Taxpayer identification number.	Information may be disclosed as authorized or required by law. Only confidential upon donor request.

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17-5-203(b)(2)	July 1, 2019	Judicial misconduct	Board of Judicial Conduct, Speaker of the House and Senate	Notice of private reprimand of a judge provided to Speaker of the House and Speaker of the Senate is confidential.	No longer confidential if the General Assembly opens an investigation of the judge pursuant to Article VI, Section 6 or Article V of the Tennessee Constitution.
17-5-302(b)	July 1, 2019	Judicial misconduct	Board of Judicial Conduct	All complaints made [to the board of judicial conduct regarding the potential physical or mental disability of a judge] are confidential and privileged.	
17-5-306(g)(4)	July 1, 2019	Judicial misconduct	Board of Judicial Conduct	Affidavit submitted by judge consenting to sanctions imposed by disciplinary counsel is confidential.	No longer confidential once filed with the Board of Judicial Misconduct.
20-6-104	April 17, 2019	Court filings	All	(a) Unless otherwise required by statute, court rule, or court order, in an electronic or paper filing with the court that contains an individual's social security number, taxpayer identification number, or birth date; the name of an individual known to be a minor; or a financial account number, a party or nonparty making the filing shall include only:  (1) The last four (4) digits of the social security number and taxpayer identification number; (2) The year of the individual's birth; (3) The minor's initials; and (4) The last four (4) digits of the financial account number.	(b) This section does not apply to filings in juvenile court.
29-34-106(a)	May 21, 2019	Settlement agreements, Victims	All	Identifying information in a settlement agreement concerning a person who is a victim of sexual harassment or an offense under title 39, chapter 13, part 5; title 39, chapter 17, part 10; § 39-13-111; § 39-13-605; § 39-15-302; § 39-15-401; or § 39-15-402 is confidential.	Not confidential if person authorizes the disclosure of the information.
37-1-153	April 23, 2019	Juvenile court records, Expungement	Juvenile Courts	(a) Except in cases arising under § 37-1-146, all files and records of the court in a proceeding under this part are open to inspection only by:  (1) The judge, officers and professional staff of the court; (2) The parties to the proceeding and their counsel and representatives; (3) A public or private agency or institution providing supervision or having custody of the child under order of the court; (4) A court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to the proceeding in juvenile court; and (5) With permission of the court, any other person or agency or institution having a legitimate interest in the proceeding or in the work of the court.  (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.	(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) or more years of age 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, <i>aggravated sexual battery</i> , rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.  (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.  [Pursuant to § 37-3-810(a) the Tennessee Second Look Commission may access information made confidential pursuant to chapter 1 of title 37.]
38-8-352(e)	May 8, 2019	Community oversight board records	Community Oversight Board	Any document provided to a community oversight board that is confidential under § 10-7-504 or any other law shall be treated as confidential and shall not be released to the public.	
40-32-105(j)	July 1, 2019	Court records, Expungement	Court Clerk, All	The clerk of the court maintaining records expunged pursuant to this section [related to convictions of victims of human trafficking for prostitution] shall keep such records confidential. The records are not public and may only be used to enhance a sentence if the petitioner is subsequently charged and convicted of another crime.	This confidential record is only accessible to the district attorney general, the defendant, the defendant's attorney, and the circuit or criminal court judge.

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49-1-170	May 2, 2019 Sunset – July 1, 2026	Intercollegiate athletic records	Public Universities	(a) Notwithstanding § 10-7-504 or any other law to the contrary, records maintained by an intercollegiate athletics program of a public institution of higher education must be treated as confidential and must not be open for public inspection if the records contain information relating to game or player integrity and that is traditionally not revealed publicly due to the public institution of higher education's need to maintain competitiveness <sup>1</sup> in the sport to which the records relate	(c) This section does not limit access to records: (1) Of a law enforcement agency, court, or other governmental agency that is performing an official function; (2) That relate to a court's or governmental agency's determination that an individual or a public institution of higher education violated a law; or (3) That relate to a notice of an allegation by, or a determination of, the National Collegiate Athletic Association (NCAA) that an individual or institution violated a NCAA rule, including, but not limited to, a warning, reprimand, fine, suspension, termination, or other similar action, imposed by a public institution of higher education or the NCAA. (d) This section does not prohibit a coach or other employee of a public institution of higher education from releasing information related to a player's injury, a player's or team's readiness to participate in a competition, or any other observation or strategy if the release of information is part of the traditional and regular communication that a coach or other employee of a public institution of higher education voluntarily releases to inform the public. (e) Notwithstanding subsection (a), records, or parts of records, that are confidential pursuant to this section must be released to the public upon a request made in accordance with § 10-7-503 when the public's interest in the content of the records outweighs the interest of game or player integrity or the need to maintain competitiveness in the sport to which the records relate, or when game or player integrity or the need to maintain competitiveness in a sport are no longer relevant due to the passage of time. For purposes of this subsection (e), "public interest" includes, but is not limited to, accountability of the public institution of higher education, public officials, or employees of the public institution of higher education. This subsection (e) does not apply to records otherwise confidential under state or federal law.
49-6-2601(f)	May 10, 2019	School threat assessment team records	Local Education Agencies, All	Documents produced or obtained pursuant to this section are not open for public inspection. Threat assessment team meetings do not constitute an open meeting as defined by § 8-44-102.	
49-6-2602(d)	May 10, 2019	School threat assessment team record	Local Education Agencies, All	The threat assessment team shall certify to any agency or individual providing confidential information that the information will not be disclosed to any other party, except as provided by law. The agency providing the information to the threat assessment team shall retain ownership of the information provided, and such information remains subject to any confidentiality laws applicable to the agency. The provision of information to the threat assessment team does not waive any applicable confidentiality standards. Confidential information may be shared with the threat assessment team only as necessary to protect the safety of the individual or others. Nothing in this part compels an agency or individual to share records or information unless required by law.	
53-10-306	April 9, 2019	Controlled substance 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.	Amendment makes database information available to the following: (4) A healthcare practitioner under review by a quality improvement committee, as defined in § 63-1-150, who submits information contained in, and reported from the database to a quality improvement committee; and (9) A quality improvement committee, as defined in § 63-1-150, of a group practice that is engaged in the provision of healthcare services, as part of the committee's confidential and privileged activities under S 63-1-150(cX3) with respect to the evaluation of the safety, quality, appropriateness, or necessity of healthcare services performed by a healthcare practitioner, if the information is furnished to a quality improvement committee by the healthcare practitioner that is the subject of review by the quality improvement committee.

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54-1-506	April 11, 2019	Procurement	Tennessee Department of Transportation	Upon request after award of the contract for pre-construction services contract has been awarded, the department's procurement files shall be subject to public inspection pursuant to § 10-7-504(a)(7).	
63-1-117(f)	May 22, 2019	Investigations	Tennessee Department of Health	[Listed] materials, documents, and other matters related to, or compiled or created pursuant to, an investigation conducted by or on behalf of the department are confidential and not a public record or subject to subpoena, <i>except for subpoenas from law enforcement agencies</i> , before formal disciplinary charges are filed against the provider:	(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.
67-6-410(l)	April 23, 2019	Tax information	Tennessee Department of Revenue	Any report provided to the department pursuant to this section [requiring reporting of information about beer, tobacco, food, candy and non-alcoholic beverage sales] shall be tax information of the wholesaler and shall be confidential pursuant to § 67-1-1702.	The department is authorized to disclose, to an individual customer of the wholesaler, records of the customer's purchases contained within the report.
68-3-515	April 18, 2019	Birth certificates	Tennessee Department of Health, All	A commemorative certificate [of nonviable birth] is not a public record.	



