



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF OPEN RECORDS COUNSEL
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402

Justin P. Wilson
Comptroller

July 7, 2011

Keith Bowers, Esq.
Carter County Attorney
3862 Highway 19E
Elizabethton, Tennessee 37643

You have requested an opinion from this office that addresses the following issues:

1. The Carter County Planning Office maintains building permit applications. *See* Attachment A. A request has been made for copies of all the building permit applications dated September 1, 2010 to May 17, 2011. Is there any information on the building permit applications that needs to be redacted prior to making copies of the applications accessible to the requestor?

II. Analysis

The Tennessee Public Records Act (hereinafter referred to as “TPRA”) defines “public record” as:

all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

Tenn. Code Ann. Section 10-7-503(a)(1). The TPRA goes on to require that all public records, whether maintained by a state, county, and municipal governmental agency, be open for public inspection by a citizen of Tennessee during normal business hours, unless there is a provision within state law that makes the record or a portion thereof confidential. Tenn. Code Ann. Section 10-7-503(a)(2)(A). The Tennessee General Assembly has declared that the Tennessee Public Records Act “shall be broadly construed so as to give the fullest possible public access to public records.” Tenn. Code Ann. Section 10-7-505(d). In turn, the courts in Tennessee have held that unless there is an exception for the disclosure of a record, disclosure is required “even in the face

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of serious contravailing considerations.” *Memphis Publishing Company v. City of Memphis*, 871 S.W. 2d 681, 684 (Tenn. 1994).

After looking at the form that you submitted for this office’s review, and given the fact that Carter County does not collect the privilege tax or issue the privilege tax number that is referenced on the form, there does not appear to be any other information contained within the form that is confidential under state or federal law. I have been unable to find any provisions within Tennessee state law that makes any of the information contained within the building permit application confidential. Likewise, I have been unable to find any provision within federal law that makes any of the information contained within the building permit application confidential. Based upon the aforementioned, it is the opinion of this office that the building permit applications should be provided to the requestor in an unredacted form.¹

Please feel free to call me at (615) 401-7891 if you have any further questions.

Sincerely,

Elisha D. Hodge
Open Records Counsel

¹ This office was provided a copy of a redacted building permit application that was provided to the requestor prior to this opinion request being made. *See* Attachment B. It appears that the Carter County Planning office redacted the state building permit number, the applicant’s phone number, and the words “RECOMMENDED TO” and “SOUTHERN” from the phrase on the application that reads, “RECOMMENDED TO FOLLOW THE SOUTHERN BUILDING CODES FOR THIS AREA” and wrote in “IRC 2009” so that this particular phrase now reads “FOLLOW THE IRC 2009 BUILDING CODES FOR THIS AREA.” It seems appropriate that the words “RECOMMENDED TO” and “SOUTHERN” be struck through on the building permit application since the State adopted and now enforces the 2009 International Residential Code (IRC).

CARTER COUNTY TENNESSEE BUILDING PERMIT

TAX MAP I.D. NO.

83. - 41.02

I, STATE PERMIT # [REDACTED]

Propose Building Operations as Follows and in All

ings Will Comply With the Zoning Ordinance.

OWNER: <u>SAM MONROE</u>				BUILDER: <u>HOMEOWNER</u>			
MAILING ADDRESS: <u>132 CHARLIE HARRELL LANE</u>				ADDRESS:		CITY:	ST:
CONST. ADDRESS		LOT NO.	BLK. NO.	CONTACT:		TELEPHONE	
ADDITION		DISTRICT	TELEPHONE	TN. CONT. LIC#	PRIV. TX. #	CITY	OTHER
PLANS	SITE PLAN	FLOOD ZONE	1% FLOOD LVL	MIN FLOOR LVL	FIRM #	F.F. ELEV.	PERMIT NO.
Yes - <input checked="" type="checkbox"/>	Yes - <input checked="" type="checkbox"/>	<u>W/A</u>	MSL	MSL			
TYPE OF WORK	<input checked="" type="checkbox"/> NEW ADD-ON	<input type="checkbox"/> OUT-BUILDING MOBILE HOME	UNITS	STORY	EST. COST	OTHER PERMITS NEEDED:	ELECTRIC FLOOD ZONE DRIVEWAY
	<input type="checkbox"/> MODULAR	<input type="checkbox"/> OTHER		<u>1</u>	<u>150,000⁰⁰</u>		SEPTIC SWH OTHER

ZONE A-1b

LOT SIZE: 7.48 ac AREA SQ. FT.

BUILDING SIZE: 36 x 54 AREA SQ. FT. 1944

PRESENT OR LAST USE: VACANT

PROPOSED USE: RESIDENCE APPROVAL: No

SET BACK FRONT... 30

REAR... 30

LEFT SIDE... 20

RIGHT SIDE... 20

Footing & Setback Inspection Must Be Completed Within 60 Days of Today's Date

(ONLY ONE PRINCIPAL BUILDING PER LOT)

MISC.	FNDTNS.	USE
<input checked="" type="checkbox"/> Porch	<input checked="" type="checkbox"/> Cinder Blk.	<input checked="" type="checkbox"/> Residence
<input checked="" type="checkbox"/> Fireplace	<input type="checkbox"/> Brick	<input type="checkbox"/> Apartment
<input type="checkbox"/> Chimney	<input checked="" type="checkbox"/> Concrete	<input type="checkbox"/> Store
<input checked="" type="checkbox"/> Patio	<input type="checkbox"/> Piers	<input type="checkbox"/> Office
<input type="checkbox"/> Patio Roof	<input type="checkbox"/> Posts	<input type="checkbox"/> Garage
<input type="checkbox"/> Carport	<input checked="" type="checkbox"/> Steel Reinf.	<input type="checkbox"/> Industrial
<input type="checkbox"/> Garage	<input type="checkbox"/> Piles	<input type="checkbox"/> Med. Dent.
<input type="checkbox"/> Utility Bldg.		<input type="checkbox"/> Public
		<input type="checkbox"/> Amusement
		<input type="checkbox"/> Assembly
		<input type="checkbox"/> Restaurant
		<input type="checkbox"/> Cloth. Mfr.
		<input type="checkbox"/> Mult. Dwigs.
		<input type="checkbox"/> Market

FOLLOW THE BUILDING CODES FOR THIS AREA. IRC 2009

BASEMENT

Full DATE ISSUED 2-28-11

Partial FEE \$

Finished CONTRACTORS LIC #

Conc. Fv.

APPLICANT [Signature]

ZONING OFFICER [Signature]

AUTHORIZED SIGNATURE

I AGREE THAT THE INFORMATION PROVIDED IS CORRECT.

Samuel R. Monroe
SIGNATURE

DATE

EXHIBIT

B

