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10-7-503. Records open to public inspection — Establishment of written public records policy by county and municipal governmental entities — Injunction in cases of disruptive requests — Promulgation of rules regarding public records by state governmental entities — Destruction of public records.

(a)**(1)** As used in this part and title 8, chapter 4, part 6:**(A)** "Public record or records" or "state record or records":**(i)** Means 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 entity; and**(ii)** Does not include the device or equipment, including, but not limited to, a cell phone, computer, or other electronic or mechanical device or equipment, that may have been used to create or store a public record or state record;**(B)** "Public records request coordinator" means any individual within a governmental entity whose role it is to ensure that public records requests are routed to the appropriate records custodian and that requests are fulfilled in accordance with § **10-7-503(a)(2)(B)**; and**(C)** "Records custodian" means any office, official, or employee of any governmental entity lawfully responsible for the direct custody and care of a public record.**(2)****(A)** All state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.**(B)** The custodian of a public record or the custodian's designee shall promptly make

available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days:

- (i)** Make the information available to the requestor;
- (ii)** Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii)** Furnish the requester in writing, or by completing a records request response form developed by the office of open records counsel, the time reasonably necessary to produce the record or information.

(3) Failure to respond to the request as described in subdivision (a)(2) shall constitute a denial and the person making the request shall have the right to bring an action as provided in § 10-7-505.

(4) This section shall not be construed as requiring a governmental entity to sort through files to compile information or to create or recreate a record that does not exist. Any request for inspection or copying of a public record shall be sufficiently detailed to enable the governmental entity to identify the specific records for inspection and copying.

(5) Information made confidential by state law shall be redacted whenever possible, and the redacted record shall be made available for inspection and copying. The redaction of confidential information shall not constitute the creation of a new record. Costs associated with redacting records, including the cost of copies and staff time to provide redacted copies, shall be borne as provided by law.

(6) A governmental entity is prohibited from avoiding its disclosure obligations by contractually delegating its responsibility to a private entity.

(7)

(A)

(i) A governmental entity shall not require a written request or assess a charge to view a public record unless otherwise required by law. Requests to view public records may be submitted in person or by telephone, fax, mail, or email if the governmental entity uses such means of communication to transact official business, or via internet portal if the governmental entity maintains an internet portal that is used for accepting public records requests.

(ii) A governmental entity may require a request for copies of public records to be:

(a) In writing;

(b) On a form that complies with subsection (c); or

(c) On a form developed by the office of open records counsel.

(iii) If a governmental entity does not require a request for copies to be in writing or on a form in accordance with subdivision (a)(7)(A)(ii), then a request for copies of public records may be submitted as provided in subdivision (a)(7)(A)(i).

(iv) If a governmental entity requires a request to be in writing under subdivision (a)(7)(A)(ii)(a), the records custodian of the governmental entity shall accept any of the following:

(a) A request submitted in person or by mail;

(b) An email request if the governmental entity uses email to transact official business; and

(c) A request submitted on an electronic form via internet portal if the governmental entity maintains an internet portal that is used for accepting public records requests.

(v) If a governmental entity requires that a request for copies of public records be made on a form as provided in subdivision (a)(7)(A)(ii), then the governmental entity shall provide such form in the most expeditious means possible when the form is requested.

(vi) A governmental entity may require any person making a request to view or make a copy of a public record to present a government-issued photo identification, if the person

possesses photo identification, that includes the person's address. If a person does not possess photo identification, the governmental entity may require other forms of identification acceptable to the governmental entity.

(vii) Notwithstanding any other law to the contrary:

(a) If a person makes two (2) or more requests to view a public record within a six-month period and, for each request, the person fails to view the public record within fifteen (15) business days of receiving notification that the record is available to view, the governmental entity is not required to comply with any public records request from the person for a period of six (6) months from the date of the second request to view the public record unless the governmental entity determines failure to view the public record was for good cause; and

(b) If a person makes a request for copies of a public record and, after copies have been produced, the person fails to pay to the governmental entity the cost for producing such copies, the governmental entity is not required to comply with any public records request from the person until the person pays for such copies; provided, that the person was provided with an estimated cost for producing the copies in accordance with subdivision (a) (7)(B)(ii) prior to producing the copies and the person agreed to pay the estimated cost for such copies.

(B)

(i) A records custodian may require a requestor to pay the custodian's reasonable costs incurred in producing the requested material and to assess the reasonable costs in the manner established by the office of open records counsel pursuant to § 8-4-604.

(ii) The records custodian shall provide a requestor an estimate of the reasonable costs to provide copies of the requested material.

(C) [Repealed effective July 1, 2025.]

(i) If a person makes a request to view or copy a public record with the intent to disrupt government operations, the records custodian charged with fulfilling the request may petition a court of record of competent jurisdiction for an order to enjoin the person from making records requests.

(ii) A records custodian shall not petition a court for injunctive relief unless the records custodian has notified the person making the requests in writing stating the specific conduct that may constitute intent to disrupt government operations in violation of this subdivision (a) (7)(C) and the person has continued to engage in such conduct after the notification. The records custodian shall provide such notification after the fifth request by the person made with intent to disrupt government operations.

(iii) After a petition is filed and while the case is pending, the records custodian shall continue to comply with this part, but if the records custodian prevails, the person making the requests shall reimburse the records custodian for the labor costs incurred by the records custodian in producing the records during the pendency of the case.

(iv) A court may, upon finding by clear and convincing evidence that a records request was made with intent to disrupt government operations, enjoin the person who made the request from making a public records request for a period of up to one (1) year; provided, that the person, while subject to the injunction, may petition the same court for permission to make a public records request and the court may approve the petition if the petitioner shows that the public records request is not made with intent to disrupt government operations.

(v) A records custodian who petitions a court for an injunction pursuant to this subdivision (a)(7)(C) shall provide a written report to the office of open records counsel that includes a copy of the petition and any injunction or orders issued by the court. The report must be filed no later than three (3) months after the petition is filed. If a final order has not been issued within three (3) months of the petition's filing, the records custodian shall provide the final

order to the office of open records counsel as soon as reasonably possible after the final order is issued. The office of open records counsel shall include a summary of the reports received as part of the office's annual report required by § 8-4-603(b) and provide the summary to the advisory committee on open government.

(vi) This subdivision (a)(7)(C) is repealed July 1, 2025.

(b) [Deleted by 2020 amendment.]

(c)

(1) Except as provided in § 10-7-504(g), all law enforcement personnel records shall be open for inspection as provided in subsection (a); however, whenever the personnel records of a law enforcement officer are inspected as provided in subsection (a), the custodian shall make a record of such inspection and provide notice, within three (3) days from the date of the inspection, to the officer whose personnel records have been inspected:

(A) That such inspection has taken place;

(B) The name, address and telephone number of the person making such inspection;

(C) For whom the inspection was made; and

(D) The date of such inspection.

(2) Any person making an inspection of such records shall provide such person's name, address, business telephone number, home telephone number, driver license number or other appropriate identification prior to inspecting such records.

(d)

(1) As used in this subsection (d), "organization" means an association or nonprofit corporation authorized by the laws of this state that:

(A) Was established for the benefit of local government officials or counties, cities, towns, or other local governments or as a municipal bond financing pool;

(B) Receives dues, service fees, or any other income from local government officials or local governments that constitute at least thirty percent (30%) of its total annual income; and

(C) Is authorized under state law to obtain coverage for its employees in the Tennessee consolidated retirement systems.

(2) The records of an organization are confidential and are not open for inspection under subsection (a) if the organization complies with the following requirements:

(A) The comptroller of the treasury or the comptroller's designee audits the organization annually;

(B) The cost of the audit is paid by the organization;

(C) Each audit is completed as soon as practicable after the end of the fiscal year of the organization; and

(D) In addition to other information required by the comptroller of the treasury, each audit contains:

(i) A listing, by name of the recipient, of all compensation, fees, or other remuneration paid by the organization, or any other organization during the audit year to, or accrued on behalf of, the organization's directors and officers;

(ii) A listing, by name of recipient, of all compensation and any other remuneration paid by the organization during the audit year to, or accrued on behalf of, an employee of the organization who receives more than twenty-five thousand dollars (\$25,000) in remuneration for such year;

(iii) A listing, by name of beneficiary, of deferred compensation, salary continuation, retirement, or other fringe benefit plan or program (excluding qualified health and life insurance plans available to all employees of the organization on a nondiscriminatory basis) established or maintained by the organization for the benefit of any of the organization's directors, officers, or employees, and the amount of any funds paid or accrued to such plan

or program during the audit year; and

(iv) A listing, by name of recipient, of all fees paid by the organization during the audit year to a contractor, professional advisor, or other personal services provider, which exceed two thousand five hundred dollars (\$2,500) for such year. Such listing must also include a statement as to the general effect of each contract and must include each specific amount paid or payable thereunder.

(3) An audit conducted under subdivision (d)(2) must be made available for public inspection and copies of such audit must be made available to the press.

(4) The records of the following organizations are confidential and not subject to this subsection (d):

(A) An organization that employs less than three (3) full-time staff members; and

(B) An organization that was exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3), as of January 1, 1998, and which makes available to the public its federal return of organization exempt from income tax (Form 990) in accordance with the Internal Revenue Code and related regulations.

(5) Subdivisions (d)(2)(D)(i)-(iv) do not require the disclosure of compensation or remuneration paid to a lobbyist registered with the Tennessee ethics commission who is registered to lobby for other employers in addition to being registered to lobby for the organization.

(6) Subdivisions (d)(2)(D)(i)-(iv) do not require the disclosure of compensation or remuneration paid to an attorney who is employed by a law firm and performs legal work for other employers in addition to performing legal work for the organization. This subdivision (d) (6) does not prohibit a requestor from obtaining the amounts of compensation or remuneration paid to an attorney on behalf of a political subdivision if the requestor requests the information directly from the political subdivision.

(e) [Deleted by 2020 amendment.]

(f) All records, employment applications, credentials and similar documents obtained by any person in conjunction with an employment search for a director of schools or any chief public administrative officer shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. For the purposes of this subsection (f), the term "person" includes a natural person, corporation, firm, company, association or any other business entity.

(g)

(1) No later than July 1, 2018, every county and municipal governmental entity subject to this section shall establish a written public records policy properly adopted by the appropriate governing authority. The public records policy shall not impose requirements on those requesting records that are more burdensome than state law and shall include:

(A) The process for making requests to inspect public records or receive copies of public records and a copy of any required request form;

(B) The process for responding to requests, including redaction practices;

(C) A statement of any fees charged for copies of public records and the procedures for billing and payment; and

(D) The name or title and the contact information of the individual or individuals within such governmental entity designated as the public records request coordinator.

(2) No later than January 1, 2019, state governmental entities shall promulgate rules regarding public records, which must meet the requirements under subdivisions (g)(1)(A)-(D). Such rules shall be promulgated in accordance with the Uniform Administrative

Procedures Act. Any written public records policy of a state governmental entity adopted prior

to April 12, 2018, if any, remains in full force and effect until the state governmental entity adopts rules in accordance with this subdivision (g)(2).

(h)

(1) Notwithstanding any law to the contrary, a governmental entity shall not authorize the destruction of public records subject to disclosure under this part if the governmental entity knows the records are subject to a pending public record request submitted to the governmental entity.

(2) Prior to authorizing the destruction of public records, a governmental entity shall contact the public record request coordinator to ensure the records subject to destruction are not subject to any pending public record requests submitted to the governmental entity.

(3) A governmental entity that authorizes the destruction of public records in violation of this part may be fined up to five hundred dollars (\$500) by a court of competent jurisdiction.

(4) A governmental entity is not liable under this subsection (h) for authorizing the destruction of public records if the governmental entity contacted the respective records custodian in accordance with subdivision (h)(2) and received notice from the records custodian that the records were not subject to a pending public record request.

(5) This subsection (h) does not absolve a public official from criminal liability for intentionally or knowingly altering or destroying a public record in violation of § 39-16-504.

(6) This subsection (h) does not prohibit a records custodian from disposing of public records in accordance with an established records retention schedule or records retention policy as part of the ordinary course of business when the records custodian is without knowledge that the records are subject to a pending public record request.

(7) Written or electronic correspondence regarding a public record request, including, without limitation, forms, emails, letters, facsimiles, and other attachments must be retained by the respective records custodian for not less than twelve (12) months. This subdivision (h)(7) does not apply to the public records subject to the request.

History

Acts 1957, ch. 285, § 1; T.C.A., § 15-304; Acts 1981, ch. 376, § 1; 1984, ch. 929, §§ 1, 3; 1991, ch. 369, § 7; 1993, ch. 475, § 1; 1998, ch. 1102, §§ 2, 4; 1999, ch. 514, § 1; 2000, ch. 714, § 1; 2005, ch. 263, § 1; 2007, ch. 425, § 1; 2008, ch. 1179, § 1; 2011, ch. 353, § 1; 2016, ch. 722, §§ 1-4; 2017, ch. 233, § 1; 2018, ch. 712, § 1; 2020, ch. 676, §§ 1-3; 2020, ch. 738, § 1; 2021, ch. 242, § 1; 2021, ch. 337, § 1.

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