



OPEN RECORDS LEGISLATIVE UPDATE

Office of Open Records Counsel
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MESSAGE FROM THE OFFICE OF OPEN RECORDS COUNSEL



Toni Chadwick

Below is a summary of new laws passed during the second session of the 113th General Assembly affecting public records and open meetings in Tennessee. The Office of Open Records Counsel provides this summary to educate public officials and citizens about recent changes to the open records and open meetings laws in Tennessee.

Thank you,



Toni Chadwick
Open Records Counsel

1. Penalties for Willful Open Meetings Violations

Effective May 28, 2024, Public Chapter 1030 permits a court to assess a petitioner's reasonable costs, including attorney's fees, against a governing body if the court finds that the governing body knew that a meeting of the body was subject to the Tennessee Open Meetings Act and willfully refused to comply.

Click [here](#) to view the full language of the new law.

2. Confidentiality of Autopsy Reports of Certain Minors

Effective May 3, 2024, Public Chapter 906 makes county medical examiner reports and autopsy reports of minors whose manner of death is listed as a homicide confidential, subject to certain exceptions.

Click [here](#) to view the full language of the new law.

3. Records of the Department of Tourist Development

Effective April 22, 2024, Public Chapter 740 provides that all records of the Department of Tourist Development are open for inspection by the public unless otherwise provided by law. The Commissioner, with the affirmative agreement of the Attorney General and Reporter, may make documents or information confidential if the document or information is of such a sensitive nature that its disclosure or release would seriously harm the ability of this state to negotiate events, contracts, agreements, or administer grant programs. The new law sets out statutory determinants for when the document or information is no longer confidential. Marketing information or capital plans provided to the Department by a person, entity, or company are confidential when they are provided with the understanding that such information or plans are and should remain confidential. Trade secrets received, maintained, or produced by the Department must remain confidential.

Click [here](#) to view the full language of the new law.

4. Definition of Governing Body in Open Meetings Law

Effective March 15, 2024, Public Chapter 580 amends the definition of “governing body” in the Tennessee Open Meetings Act to exclude a county mayor in accordance with Tenn. Code Ann. § 5-6-106(b)(1)(B).

Click [here](#) to view the full language of the new law.

5. State Governing Bodies Subject to Tenn. Code Ann. § 8-44-110

Effective April 11, 2024, Public Chapter 710 makes state governing bodies subject to the requirements of Tenn. Code Ann. § 8-44-110.

Click [here](#) to view the full language of the new law.

6. Meetings Between Local Government Legislative Body Members and their State Legislative Delegation

Effective April 29, 2024, Public Chapter 818 provides that a meeting of one or more members of a local legislative body who meet with one or more members of the legislative delegation that represent the county or city is not a meeting under Tenn. Code Ann. § 8-44-102 if the meeting is an exchange of information and not deliberative in nature, or the member or members of the state legislative delegation conduct the meeting to discuss state matters. The new law clarifies that this type of meeting must not be used to decide or deliberate public business in circumvention of the spirit or requirements of the Tennessee Open Meetings Act.

Click [here](#) to view the full language of the new law.

7. TBI Access to Certain Juvenile Records

Effective July 1, 2024, Public Chapter 973 allows the Tennessee Bureau of Investigation to obtain otherwise confidential juvenile records pursuant to Tenn. Code Ann. § 37-1-153 for the limited purpose of performing a background check prior to the transfer of a firearm pursuant to Tenn. Code Ann. § 37-1-189 or to determine eligibility for a handgun carry permit pursuant to Tenn. Code Ann. § 37-1-189 and §§ 39-17-1351 or 39-17-1366.

Click [here](#) to view the full language of the new law.

8. Adult Protective Services Investigation Records

Effective July 1, 2024, Public Chapter 655 allows Adult Protective Services to provide law enforcement or public health authorities with information from its investigations or records regarding illness, disease, injuries, or any offense for which reports are made confidential under Tenn. Code Ann. § 71-6-118(a) obtained in the course of an investigation. Adult Protective Services must provide a complete and unredacted copy of its entire investigative file, including the identity of the person who reported the alleged conduct, to the district attorney general upon the commencement of a criminal prosecution for alleged conduct involving an elderly or vulnerable adult victim obtained in the course of an investigation. The new law requires that the identity of the person who reported the alleged conduct must remain confidential and not be disclosed for any purpose other than criminal investigation or criminal prosecution. Upon the return of a criminal indictment or presentment arising from a report of alleged conduct involving an elderly or vulnerable adult victim where the identity of the person reporting the conduct has been provided to the district attorney general, the district attorney general shall request, and the court shall enter, a protective order preventing further release of the identity of the person reporting.

Click [here](#) to view the full language of the new law.

9. Executive Sessions and Records of Title 63 and Title 68 Licensing Boards

Effective January 1, 2025, Public Chapter 924 provides that certain executive sessions of licensing boards established under title 63 or title 68 of the Tennessee Code Annotated are not public meetings as described in § 8-44-102. The new law makes confidential minutes or recordings of such executive sessions, portions of applications involving an applicant's health condition, and records involving an applicant's health condition. Licensees or applicants and their representative or attorney may access records of their own application and related proceedings. An attorney for the state and an authorized representative or attorney for the applicant for a license may be present for certain executive sessions under this provision.

Click [here](#) to view the full language of the new law.

10. Information Identifying Faculty or Staff Members Carrying a Concealed Handgun on School Grounds

Effective April 26, 2024, Public Chapter 801 makes confidential certain records and information related to faculty or staff members carrying a concealed handgun on school grounds under Tenn. Code Ann. § 49-6-815.

Click [here](#) to view the full language of the new law.

11. Certified Municipal Finance Officer and County Finance Officer Program Examinations

Effective March 7, 2024, Public Chapter 539 makes confidential all examinations administered by the Municipal Technical Advisory Service and County Technical Assistance Service as part of the Certified Municipal Finance Officer or Certified County Finance Officer programs, including the total bank of questions from which the tests are developed, the answers, and the answer sheets of individual test takers.

Click [here](#) to view the full language of the new law.

12. Department of Health to Maintain Confidentiality in Annual Report

Effective April 23, 2024, Public Chapter 767 requires the Department of Health to ensure that the information reported pursuant to Tenn. Code Ann. § 68-1-149(b) is produced in accordance with applicable law to maintain the confidentiality of individually identifiable health information.

Click [here](#) to view the full language of the new law.

13. Law Enforcement Drone Surveillance

Effective March 1, 2024, Public Chapter 524 amends 2021 Public Chapter 462, regarding law enforcement drone surveillance, by deleting the termination date of July 1, 2024.

Click [here](#) to view the full language of the new law.

14. LEAs to Provide School Mapping Data to First Responder Agencies

Effective May 6, 2024, Public Chapter 936 removes floor plans for all school buildings within an LEA or public charter school from the requirements in Tenn. Code Ann. § 49-6-804(d). The new law permits each Local Education Agency and public charter school to provide certain school mapping data of each school building to first responder agencies serving the area to assist in responding to emergencies occurring on school grounds.

Click [here](#) to view the full language of the new law.

15. Aggravated Prostitution Eligible for Expunction

Effective July 1, 2024, Public Chapter 545, as it applies to records, makes individuals convicted of certain aggravated prostitution charges eligible to petition for expunction and to file a request with the Tennessee Bureau of Investigation for termination of registration requirements from the sex offender registry.

Click [here](#) to view the full language of the new law.

16. Audio or Video Recording Required for Certain Interrogations of Children

Effective July 1, 2024, Public Chapter 565 requires that when a child is taken into custody under suspicion of having committed a delinquent act or unruly conduct, a law enforcement officer conducting a formal interview or interrogation of the child at a law enforcement facility concerning any violation of state or federal law by the child must make a video or audio recording of the interview or interrogation, subject to certain exceptions.

Click [here](#) to view the full language of the new law.

17. Authorized Representatives for Patient Hospital Records

Effective July 1, 2024, Public Chapter 739 provides that if a patient becomes incapacitated or dies without an authorized representative, certain listed individuals are to be considered authorized representatives for the purposes of obtaining hospital and certain other healthcare facility records.

Click [here](#) to view the full language of the new law.

18. Health Care Providers and Medical Records

Effective July 1, 2024, Public Chapter 831 requires that health care providers provide patients or their representatives medical records within ten working days from receiving a written request for records. The health care provider may choose to provide a summary of the medical records but the provision of a summary does not satisfy the patient's or representative's right to receive, or serve as a substitute for, a full medical record under this provision.

Click [here](#) to view the full language of the new law.

19. State Solicitation Confidentiality

Effective March 11, 2024, Public Chapter 552 clarifies that proposals and related records received in response to a solicitation for goods or services by the State must be available for public inspection only after the completion of the evaluation of the same by the State.

Click [here](#) to view the full language of the new law.

20. Restrictions on Information Sharing by Institutions of Higher Education

Effective March 27, 2024, Public Chapter 619 prohibits public institutions of higher learning from sharing personal student information with third parties that have contracted with the institution to input personal information of students for administrative purposes, unless the third-party contractor agrees in writing that the personal information will only be used for the purpose for which the information was originally provided and will not be shared with or sold to any other entity.

Click [here](#) to view the full language of the new law.

21. Home Address Confidentiality Program

Effective March 27, 2024, Public Chapter 620 expands the home address confidentiality program by allowing applicants to request confidentiality of their home address from public records when moving to or currently residing at a certain address.

Click [here](#) to view the full language of the new law.

22. Department of Health Report on Diagnoses of Cancer and Parkinson's Disease

Effective April 11, 2024, Public Chapter 680 requires the Department of Health to investigate reports of the amount of diagnoses of cancer and Parkinson's disease in certain areas based on data currently available to the Department of Health. The Department of Health is to submit a report to the health and welfare committee of the senate and to the health committee of the house of representatives no later than July 1, 2025. The report must be produced in accordance with applicable law to maintain the confidentiality of individually identifiable health information.

Click [here](#) to view the full language of the new law.

23. Voice is a Protected Personal Right

Effective July 1, 2024, Public Chapter 588 adds voice to individual property rights listed in Tenn. Code Ann. § 47-25-1101, *et seq.* and grants the right to bring civil action for certain unauthorized uses of an individual's voice. The new law elaborates on what constitutes a fair use of an individual's name, photograph, voice, or likeness.

Click [here](#) to view the full language of the new law.

24. Expunction and Confidentiality

Effective May 21, 2024, Public Chapter 992 allows the Tennessee Bureau of Investigation to notify the district attorney general for the judicial district in which a petitioner files for an expunction if the petitioner has been granted a prior expunction for another criminal offense. The new law amends Tenn. Code Ann. § 40-32-101 to exclude from the definition of "public records" signed orders of expunction that are maintained as confidential.

Click [here](#) to view the full language of the new law.

25. Confidentiality of Health Facilities Commission and Board for Licensing Healthcare Facilities Personnel

Effective July 1, 2024, Public Chapter 932, as it relates to public records, makes confidential the home addresses, telephone numbers, dates of birth, and photographs of certain current or former personnel of the health facilities commission or board for licensing healthcare facilities, as well as certain information pertaining to the spouses and children of such personnel.

Click [here](#) to view the full language of the new law.

26. Second Amendment Financial Privacy Act

Effective July 1, 2024, Public Chapter 773, as it pertains to records, prohibits an official, employee, or agent of a governmental entity from knowingly keeping or causing to be kept any list, record, or registry of privately owned firearms or the owners of privately owned firearms except records kept during the regular course of a criminal investigation and prosecution.

Click [here](#) to view the full language of the new law.

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