

Henry, McCord, Bean, Miller, Gabriel & LaBar, P.L.L.C.

Public Records Requests & Video Privacy

August 5, 2017

Title 10, Chapter 7 of the Tennessee Code addresses the Public Records Act of Tennessee. T.C.A. § 10-7-504 was added this month to limit the scope of public inspection for videos taken by a law enforcement body camera.

Video taken by a law enforcement body camera depicting either (1) minors, when taken within a school that serves any grades from K-12, (2) interior of a facility licensed under title 33 (mental health and substance abuse facilities) or 68 (health and related facilities), and (3) the interior of a private residence that is no longer being investigated as a crime scene.

It does not, however, prevent the use of these videos in a pending criminal case or appeal, where the constitutional rights of the defendant require it. Nor does it limit access to otherwise public information that may be included with the confidential information, so long as the confidential information is redacted prior to access.

Other than specified items, such as the video recording discussed above, under T.C.A. § 10-7-503(a)(7)(A), a government entity shall not require a written request or assess a charge to view a public document by any citizen of this state unless otherwise required by law. Requests may be made by phone, fax, mail, email, or portal (if available).

A government entity may require a written request for copies of public records, however. The request can be made by mail, email, or an internet portal (if available). When making this request, the governmental entity may require the person to show a government-issued photo identification or another acceptable means of identification.

The governmental entity does not have to comply with a record request if (1) a person makes 2 or more requests to view a record within a six month period, and those records are not viewed within 15 days then the governmental entity is not required to comply with any more records request from the individual for a period of six months; or (2) a person fails to pay for the cost of producing the copies requested after being given an estimated cost for them when requested, the governmental entity is not required to comply with requests until the person pays for the copies.

Clifton N. Miller and Erica R. Marino are available to consult with school systems and other governmental entities regarding these and related matters.



CLIFTON N. MILLER



ERICA R. MARINO

This publication is a service to our clients and friends. It is designed to give only general information on the topic actually covered and is not intended to be a comprehensive summary of recent developments in the law, to treat exhaustively the subjects covered, to provide legal advice, or to render a legal opinion.

