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Law Enforcement Personnel Records

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Reference Number: CTAS-1173

A couple of specific statutory provisions provide extra protection to personnel records of law enforcement personnel. Under T.C.A. § 10-7-503(c), there are requirements that when personnel records of law enforcement officers are inspected, the custodian of the records must make a record of the inspection and inform the officer. The person wishing to inspect the records must provide his or her name, address, business telephone number, home telephone number, driver license number, or other appropriate identification prior to receiving access to the records. Within three days after the inspection, the officer whose files have been examined should be informed that the inspection has taken place; the name, address, and telephone number of the person making the inspection; for whom the inspection was made; and the date of the inspection.^[1]

In addition, T.C.A. § 10-7-504(g) provides that the personnel information of law enforcement personnel shall be redacted where there is a reason not to disclose the information as determined by the sheriff or the sheriff's designee. When a request to inspect includes personal information and the request is for a professional, business, or official purpose, the sheriff or custodian shall consider the specific circumstances to determine whether there is a reason not to disclose and shall release all information, except information made confidential in T.C.A. § 10-7-504(f), if there is not such a reason. In all other circumstances, the officer shall be notified prior to disclosure of the personal information and shall be given a reasonable opportunity to be heard and oppose the release of the information. In addition to the requirements of T.C.A. § 10-7-503(c), the request for a professional, business, or official purpose shall include the person's business address, business telephone number and email address. The request may be made on official or business letterhead and the person making the request shall provide the name and contact number or email address for a supervisor for verification purposes. If the sheriff, the sheriff's designee, or the custodian of the information decides to withhold personal information, a specific reason shall be given to the requestor in writing within two (2) business days, and the file shall be released with the personal information redacted. For purposes of T.C.A. § 10-7-504(g), personal information shall include the officer's residential address, home and personal cellular telephone number; place of employment; name, work address and telephone numbers of the officer's immediate family; name, location, and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled.

In addition to the provisions relative to the office's residential address in T.C.A. § 10-7-504(g), subsection (f) of the same statute provides that the residential address of a law enforcement officer held by the county in its capacity as an employer shall be confidential and any person who releases the information commits a Class B misdemeanor if the person acts with criminal negligence, or a Class A misdemeanor if the person knows the information is to be treated as confidential and intentionally releases the information to the public.

Finally, T.C.A. § 10-7-504(g) also provides that the sheriff may segregate information that could be used to identify or to locate an officer designated as working undercover.^[2]

[1] T.C.A. § 10-7-503(c).

[2] T.C.A. § 10-7-504(g).

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