



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Other Records Duties

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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Other Records Duties

Reference Number: CTAS-813

All counties are now required to have a county public records commission, and the register serves as an ex-officio member. The register may appoint a designee to serve on the county public records commission instead of the register personally. The county public records commission serves an important function in keeping an efficient records management program. Certain records, after microfilming, may be destroyed or transferred to the state library and archives or some other institution. T.C.A. § 10-7-401 et seq. Otherwise, these originals would be required by law to be kept in the office. The University of Tennessee's County Technical Assistance Service publishes manuals which may be used as guides on the retention and disposition of public records. The county public records commission can affect all of the county offices, but each officeholder may prevent the transfer or destruction of any record in that office.

Generally, the records of the register's office are to be available for public inspection during regular business hours. T.C.A. § 10-7-503. However, certain employee records are confidential. These records include home telephone and personal cell phone numbers, bank account information, Social Security numbers, residential addresses, driver's license information (except where driving is a part of the employee's job), and similar information for the employee's family and household members. Where this confidential information is part of a file or document that would otherwise be public information (such as compensation records) the confidential information must be redacted so that the public may still have access to the non-confidential portions of the file or document. T.C.A. § 10-7-504.

Military Discharge Records

Reference Number: CTAS-814

Under T.C.A. § 10-7-513, military discharge records are confidential for 75 years from the time the records are recorded or otherwise come into a register's possession. During this 75-year period, the register may disclose information or may permit inspection or copying only in accordance with § 10-7-513 or a court order.

Only certain persons may inspect or copy military records. Those persons must present proper identification before inspecting or copying the records. The following persons are allowed to inspect or copy military discharge records:

1. The veteran who is the subject of the record;
2. The legal guardian of the veteran;
3. The spouse or a child or parent of the veteran or, if there is no living spouse, child, or parent, the nearest living relative of the veteran;
4. The personal representative of the estate of the veteran;
5. The person named by the veteran, or by a person described by subdivision (2), (3), or (4), in an appropriate power of attorney;
6. Another governmental body; or
7. An authorized representative of the funeral home that assists with the burial of the veteran.

In addition to being authorized to inspect or copy the records, persons described in subdivisions (1) through (5) above are authorized to request removal of the record (except for records preserved on microfilm) or redaction of the social security number from the record (if the record is stored on a medium which allows for redaction). The revised law requires the request be made on a statutorily prescribed form; however, only the form's heading, and not the form itself, appears in the revised law (the entire form was set forth in the prior version of the law). Hopefully this omission will be corrected. Until then, it is our recommendation that the prior statutory form (with some minor revisions) be used. Sample Military Discharge form. Under the revised § 10-7-513, the register is to record the request form.

You should note that if you receive a form requesting redaction and redaction is not practicable, then you should not record the request form, but rather, you are directed to inform the requesting party, either verbally or in writing, that redaction is not practicable and that the person may instead submit a form requesting that the record be removed entirely.

Storage Of Military Discharge Records. Under Title 8, chapter 13, registers are required to record the official discharge of persons who after 1915 have served as members of the United States armed forces,

the United States armed forces reserve, or the United States armed forces auxiliary. Those offices that do not store documents electronically, are required to store discharges recorded after September 1, 2010 in a separate book that only contains official discharge records. All registers must keep books originating prior to, as well as after, September 1, 2010, and which have been designated specifically for the storage of official military discharge records in a location not accessible to the general public, so long as the books do not contain other public documents. In counties that record and store documents electronically, registers shall not make available to the general public any display of military discharge records and shall only provide copies of such records in compliance with § 10-7-513.

Redaction of Personally Identifying Information

Reference Number: CTAS-2202

T.C.A. § 10-7-515 prohibits document preparers from placing personally identifying information on documents, other than powers of attorney, filed or recorded in the register's office. However, registers cannot refuse to record a document based on failure of the preparer to comply with the law. The validity of the document is also not affected by failure of the preparer to comply with this law.

Certain persons may request the register redact their personally identifying information from a document by submitting a written request form to the register. If the record is in a format that permits redaction, the register shall record the request form and then redact the personally identifying information. If redaction is not practicable, the register should not record the request form and should inform the requestor why redaction cannot occur either verbally or in writing.

Registers are authorized, on their own initiative, to redact any personally identifying information that is found on a recorded document maintained on a computer or removable computer storage media, including CD-ROM disk, if the records are stored in a manner that permits redaction.

Compliance with the requirements in § 10-7-515 satisfies all of the obligations of a county register under Section 10-7-504(a)(28) relative to the nondisclosure of personally identifying information.

For purposes of T.C.A. § 10-7-515, "personally identifying information" means:

- (i) social security numbers
- (ii) official state or government issued driver licenses or identification numbers
- (iii) alien registration numbers or passport numbers
- (iv) employer or taxpayer identification numbers
- (v) unique biometric data (ex. fingerprints)
- (vi) unique electronic identification numbers, addresses, routing codes, etc., which would allow an individual to obtain merchandise or otherwise financially encumber the legitimate possessor of the data

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