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Hot Topic: Confidentiality of Municipal Employees' Personal Information

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June 3, 2008

CONFIDENTIALITY OF MUNICIPAL EMPLOYEES' PERSONAL INFORMATION

Josh Jones, Legal Consultant

Among all the issues debated this legislative session, few garnered more public attention than the proposed amendments to the Open Records Act. This attention resulted in last year's open government committee, a bicameral group composed of legislators and representatives from the press, local governments and other concerned citizen groups. Numerous proposals were made by the committee. A comprehensive bill has recently passed; however, this writing is limited to the earlier Public Chapter No. 853.

Public Chapter No. 853 amends T.C.A. Title 10, Chapter 7, Part 5, relative to public records. The act expands the scope of the confidentiality of municipal employee personal information to include home telephone numbers, personal cell phone numbers and residential street addresses.

The aforementioned information, found in many municipal records, often is included in open records requests. Municipal records custodians must protect the confidentiality of this information. It is important to remember, however, that the mere presence of this information in an otherwise public document will not prevent the release of the entire record. Instead, the now confidential information must be redacted before production.

This bill became effective May 1, 2008.

MTAS will soon publish a summary of the public act containing comprehensive changes to the Open Records Act. For further information on Tennessee's open records laws consult *Open Records: A Guide for Municipal Officials*, available at www.mtas.tennessee.edu, or contact your MTAS management consultant.

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