S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

August 22, 2001

Opinion No. 01-132

Non-citizen access to public records

QUESTIONS

1. Can persons who are not citizens of Tennessee be denied access to public records?

2. Would denial of access to records in absence of proof of state citizenship be violative of the privileges and immunities clause of the U.S. Constitution?

OPINIONS

1. Yes.

2. No.

ANALYSIS

1. The Tennessee Public Records Act, codified at Tenn. Code Ann. §§ 10-7-503, *et seq.*, provides that "[a]ll state, county and municipal records . . . shall at all times, during business hours, be open for inspection by any citizen of Tennessee . . .." Tenn. Code Ann. § 10-7-503(a). The plain language of the statute does not prohibit the release of public records to non-citizens, nor does it affirmatively require disclosure to non-citizens. Rather, it enables Tennessee citizens to inspect all state, county and municipal records during business hours. Accordingly, it is our opinion that persons who are not citizens of Tennessee can be denied access to public records under the Tennessee Public Records Act.

2. This Office has previously opined that denial of a public records request on the basis of lack of state citizenship does not violate the Privileges and Immunities Clause of the United States Constitution.

See Tenn.Atty.Gen.Op. 99-067. A copy of that opinion is attached.

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

JANET M. KLEINFELTER
Senior Counsel

Requested by:

Honorable Frank Buck
State Representative
124 West Main Street
Smithville, Tennessee 37166