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Opinion No. 06-028

Applicability of Public Records Act to Utility District Records

QUESTION

Whether utility districts are subject to Tennessee's Public Records Act.

OPINION

Utility districts are subject to the Public Records Act, and their records must be open for personal inspection by any Tennessee citizen during regular business hours, unless otherwise provided by state law. State law makes some information that utility districts' records may contain confidential and not subject to public inspection. The utility districts may not disclose confidential information.

ANALYSIS

This Office has previously opined that utility districts are subject to the Public Records Act ("Act"), Tenn. Code Ann. §§ 10-7-503, *et seq.* *See* Op. Tenn. Att'y Gen. 84-042 (January 31, 1984) and Op. Tenn. Att'y Gen. 85-161 (May 16, 1985). We have reviewed current law and conclude that our opinion has not changed; utility districts are subject to the Act.[1]

The Public Records Act makes all state, county and municipal records public, except for records or information in them that have been declared confidential by state law. Tenn. Code Ann. § 10-7-503. A utility district's public records may contain information declared confidential by state law. *See* Tenn. Code Ann. § 10-7-504. For example, a utility district may not provide "identifying information"[2] to the public when an individual has followed certain procedures and has obtained a

[1] Courts will construe the Act broadly to achieve the Act's purposes. Tenn. Code Ann. § 10-7-505(d); *see, e.g., Cleveland Newspapers, Inc. v. Bradley County Mem'l Hosp. Bd. of Dirs.*, 621 S.W.2d 763, 766 (Tenn. App. 1981).

[2] "Identifying information" means home and work addresses and telephone numbers, social security number, and any other information that could reasonably be used to locate the whereabouts of an individual. Tenn. Code Ann. § 10-7-504(a)(15)(A)(i). Regarding social security numbers, see also Tenn. Code Ann. § 4-4-125.

valid "protection document."[3] Tenn. Code Ann. § 10-7-504(a)(15); *see also,* Tenn. Code Ann. § 10-7-504(a)(17), (a)(20), (a)(21), (f)(1) and (g)(1). Depending on the document and the information it contains, in some instances, a utility district may have to maintain an entire document as confidential. In others, the utility may redact the confidential information and make a redacted copy of the document available for public inspection. *See, e.g.*, Tenn. Code Ann. § 10-7-504(f)(2).

Because the Act contains exemptions to disclosure that might apply, the utility district will have to examine requests for access to its records by a Tennessee citizen to determine what, if any, information must be kept confidential.

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[3]Under Tenn. Code Ann. § 10-7-504(a)(15)(A)(ii), "protection document" means documents such as a valid order of protection issued under title 36, chapter 3, part 6; a restraining order issued by a court of competent jurisdiction prohibiting violence against the person to whom it is issued; or a court order protecting the confidentiality of certain information issued upon the request of a district attorney general to a victim or witness in a criminal case, whether pending or completed.