

68-10-113. Confidentiality of records and information.

All records and information held by the department or a local health department relating to known or suspected cases of sexually transmitted disease shall be strictly confidential. Such information shall not be released or made public upon subpoena, court order, discovery, search warrant or otherwise, except that release may be made under the following circumstances:

- (1) Release is made of medical or epidemiological information for statistical purposes in such form that no individual person can be identified;
- (2) Release is made of medical or epidemiological information with the consent of all persons identified in the information released;
- (3) Release is made of medical or epidemiological information to medical personnel, appropriate state agencies, or county and district courts to enforce the provisions of this chapter and related regulations governing the control and treatment of sexually transmitted diseases;
- (4) Release is made of medical or epidemiological information to medical personnel in a medical emergency to the extent necessary to protect the health or life of the patient;
- (5) In a case involving a minor not more than thirteen (13) years of age, only the name, age, address and sexually transmitted disease treated shall be reported to appropriate agents as required by the Tennessee Child Abuse Law (37-1-403). No other information shall be released. If the information to be disclosed is required in a court proceeding involving child abuse, the information shall be disclosed in camera; or
- (6) (A) Release is made during a legal proceeding when ordered by a trial court judge, designated by 16-2-502, or a juvenile court judge through an order explicitly finding each of the following:
 - (i) The information sought is material, relevant, and reasonably calculated to be admissible evidence during the legal proceeding;
 - (ii) The probative value of the evidence outweighs the individual's and the public's interest in maintaining its confidentiality;
 - (iii) The merits of the litigation cannot be fairly resolved without the disclosure; and
 - (iv) The evidence is necessary to avoid substantial injustice to the party seeking it and, either the disclosure will result in no significant harm to the person examined or treated, or it would be substantially unfair as between the requesting party and the person examined or treated not to require the disclosure.

(B) A juvenile court judge shall make the findings set forth in subdivision (6)(A) by examining the information, in camera, and shall order the information placed under seal. Such judge shall only examine the records of a juvenile who is under the jurisdiction of the court.

[Acts 1988, ch. 695, §§ 1, 2; 1992, ch. 887, §§ 1, 2.]