



**PUBLIC RECORDS POLICY
FOR
STATE OF TENNESSEE
BUREAU OF WORKERS'
COMPENSATION**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Bureau of Workers' Compensation is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Bureau of Workers' Compensation are presumed to be open for inspection unless otherwise provided by law.

Designated Personnel of the Bureau of Workers' Compensation shall timely and efficiently provide access and assistance to persons properly requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Bureau of Workers' Compensation shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Bureau of Workers' Compensation or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is posted online at www.tn.gov/workforce/injuries-at-work. This Policy shall be reviewed as necessary. This Policy shall be applied consistently throughout the various offices, departments, and/or programs of the Bureau of Workers' Compensation.

I. Definitions:

- A. Records Custodian: The individual or individuals designated by the Bureau lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or

ordinance or in connection with the transaction of official business by any governmental agency provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq. See Tenn. Code Ann. § 10-7-503(a)(1)(A).

- C. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Records Custodian or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection may be made orally or in writing at the physical location or mailing address for the request to be made.
- C. Requests for copies, or requests for inspection and copies, shall be made in writing to Records Custodian, 220 French Landing Drive, 1-B, Nashville, TN 37243, or wc.records@tn.gov.
- D. Proof of Tennessee citizenship by presentation of a valid Tennessee driver’s license or other government-issued photo ID may be required as a condition to inspect or receive copies of public records.
- E. Public notices, meeting documents, and other similar records are posted and readily available online at www.tn.gov/workforce/injuries-at-work.

III. Responding to Public Records Requests

- A. Records Custodian:
 - 1. The Records Custodian shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Bureau of Workers’ Compensation is the custodian of the records.
 - 2. The Records Custodian shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees; and
 - iv. Aggregation of multiple or frequent requests.

- b. If appropriate, deny the request, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA (absent any required signed authorization).
 - iv. The Bureau of Workers' Compensation is not the custodian of the requested records.
 - v. The records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in the Bureau of Workers' Compensation.
 - e. If requested records are in the custody of a different governmental entity, and the Records Custodian knows the correct governmental entity, advise the requestor of the correct governmental entity for that entity if known.
 - f. The designated Records Custodian is: Vickie Stafford, Custodian of Records.
- B. Contact information: 220 French Landing Drive, 1-B, Nashville, TN 37243, wc.records@tn.gov. Ph: 615-532-9495.
1. Upon receiving a proper public records request, a records custodian shall promptly make requested public records available in accordance with T.C.A. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the Bureau's Attorney or the OORC.
 2. If not practicable to promptly provide requested records then a records custodian shall notify the requester that additional time will be necessary.
 3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b, if requested.
 4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
 5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the

omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian may also consult with the OORC or with the Office of Attorney General and Reporter.

IV. Inspection of Records

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of the Bureau of Workers' Compensation should be determined by the records custodian.
- C. A records custodian may require an appointment for inspection.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records should not be used to hinder access to the inspection of public records.
- B. Fees and charges for copies are as follows:
 1. Fees for researching and copying shall be ten dollars for the first twenty-five (25) pages and twenty-five cents (25¢) for each page after 25 pages.
 2. The Bureau shall charge an additional fee of \$10.00 for certified records.
 3. Payments of fees for records shall be made by credit card, check or money order payable to Treasurer, State of Tennessee and submitted to the Administrator. Payment in cash will not be accepted. Payment is due upon receipt of the invoice for the requested material. Requestors will not be entitled to receive additional records until all payments for records provided within the previous sixty (60) days have been received.
- C. Payment in advance will be required when costs exceed \$100.00.

VII. Specific Exemptions

The Bureau adopts Tennessee Supreme Court Rule 34 pertaining to records filed in the

Court of Workers' Compensation Claims and Appeals Board:

A. POLICIES AND GUIDELINES REGARDING JUDICIAL RECORDS

(1) The public has a statutory right to inspect public records maintained by agencies of state government. Accordingly, the public has the right to inspect public records maintained by the clerk of the appellate courts unless the record has been submitted under seal or is the subject of a protective order. Requests to inspect public records maintained by the clerk of the appellate courts are, however, subject to reasonable requirements and restrictions intended to preserve the integrity of the record, the parties' right to the record for the purpose of preparing their appellate papers, and the efficient operation of the appellate courts.

(2)

(A) For the purposes of these guidelines, a "record" includes any record defined as a "public record" in Tenn. Code Ann. § 10-7-301(6)(1992) that has not been submitted under seal or that is not the subject of a protective order.

(B) The following judicial records are not public records:

(i) Unpublished drafts of judicial orders and opinions;

(ii) Written or electronic conference records, notes, memoranda, or other documents of a similar nature prepared by judges as part of the judicial decision-making process unless filed as part of the court record;

(iii) Copies, other than the original, of motions, petitions, briefs, and other similar documents filed with the clerk of the appellate courts that have been furnished to individual appellate judges for their personal use;

(iv) Written or electronic conference records, notes, memoranda, reports, or other documents of a similar nature prepared by an appellate court's or judge's staff on behalf of or at the direction of the court or judge as part of the judicial decision-making process unless filed as part of the court record;

(v) All internal case management information except for information concerning the composition of panels assigned to consider a particular case;

(vi) Information maintained by individual judges with regard to their recusal from particular appeals unless the information is filed as part of the court record or unless it is subject to disclosure pursuant to Tenn. Code Ann. §§ 8-50-501, 8-50-506 (1993 & Supp. 1998) or Tenn. S. Ct. R. 10;

(vii) Documents protected from disclosure by order or rule of court; and

(viii) Any other record the disclosure of which would frustrate or interfere with the judicial function of the courts.

B. OTHER EXEMPTIONS:

(1) First Reports of Injury are confidential under § 50-3-702(b) unless the Bureau has a signed authorization.

- (2) Tenn. Code Ann. §50-6-131 provides that workers' compensation medical records shall remain confidential and shall **not** be considered to be public records.
- (3) Tenn. Code Ann. §50-6-421 provides that information contained in workers' compensation insurance policies "shall be deemed confidential and shall not constitute a public record" except for the following information which can be disclosed as a public record: (1) Employer name and business address; (2) Workers' Compensation insurance carrier name and business address; and (3) Workers' Compensation insurance policy number, policy effective date, policy expiration date, policy cancellation date, and policy reinstatement date.

Effective Date: July 1, 2017