

**RULES
OF
THE TENNESSEE DEPARTMENT OF HUMAN RESOURCES**

**CHAPTER 1120-13
ACCESS TO PUBLIC RECORDS**

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1120-13-.01 RECORDS OPEN FOR INSPECTION.

- (1) Pursuant to the Tennessee Public Records Act, the public records of the Department shall, at all times during business hours, be open for inspection by any citizen of this state unless otherwise provided by law.
- (2) To verify citizens of this state, persons requesting information may be asked to provide the following:
 - (a) An active government issued photo identification that includes a person's address to verify citizenship or residency; or
 - (b) A student ID from a Tennessee school, college, or university as an alternate form of identification.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2010. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed May 17, 2019; effective August 15, 2019. Amendments filed January 18, 2023; effective April 18, 2023.

1120-13-.02 REQUESTING PUBLIC RECORDS.

- (1) The Director of the Records Management Division is the agency's designated public requests coordinator.
- (2) Public record requests shall be made to the Department's Records Management Division in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (3) Requests for inspection may be made orally or in writing. Requests for inspection only are not required to be in writing. Requests for copies shall be made in writing.
- (4) The Department may request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- (5) All requests shall include a Public Records Request form as provided in Department of Human Resources Policy 12-042. If submitting via mail or other media, then the request must include a Public Records Request form (Policy 12-042) and be mailed to the Department's Public Records Request Coordinator, Department of Human Resources, 312 Rosa L. Parks

(Rule 1120-13-.02, continued)

Blvd., 17th Floor, Nashville, TN 37243, by e-mail at DOHR.RecMgmt@tn.gov, or by fax at (615) 401-7685.

- (6) All media requests submitted in accordance with the Tennessee Public Records Act should submit their media request by filling out a Public Records Request form as provided in Department of Human Resources Policy 12-042. If submitting via mail or other media, then the request must include a Public Records Request form as described in Policy 12-042 and be mailed to the Department's Public Records Request Coordinator, Department of Human Resources, 17th Floor Tennessee Tower, 312 Rosa L. Parks Blvd., Nashville, TN 37243, by email at DOHR.RecMgmt@tn.gov, or by fax at (615) 401-7685.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 25, 1994. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed May 17, 2019; effective August 15, 2019. Amendments filed January 18, 2023; effective April 18, 2023.

1120-13-.03 RESPONDING TO PUBLIC RECORDS REQUESTS.

- (1) The Department shall have seven (7) business days from receipt of request to respond and/or provide records.
- (2) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to gain access to records; to determine whether the records are subject to public record; to redact records; or for other similar reasons, the Department shall notify, within seven (7) business days, the requestor and provide an estimated date that public records will be available.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed May 17, 2019; effective August 15, 2019.

1120-13-.04 CONFIDENTIALITY OF PUBLIC RECORDS.

- (1) Portions of the personnel record of employees and information submitted by applicants shall be treated as confidential and not open for public inspection.
- (2) Confidential information includes: social security numbers, home addresses, home and cellular telephone numbers, personal/non-government email addresses, bank account information, performance reviews, and driver's license information except where driving or operating a vehicle is part of the employee's job description, job duties, or incidental to the performance of their job. The same information applies to an employee's immediate family members or household members.
- (3) The following procedures are to be used to ensure adequate measures are taken to protect confidential information:
- (a) Agency human resource employees, law enforcement agencies, courts, and certain other governmental employees may, when performing their official job functions, review these files without restrictions. The right to unrestricted access also applies to the person seeking to review his or her own personnel file or application. Proper identification of these individuals must be determined prior to allowing access to the personnel record.

(Rule 1120-13-.04, continued)

- (b) Employees and/or applicants may allow other individuals to access their personnel files by completing a Signature Authorization form, which may be obtained from the Department.
- (c) A valid Tennessee subpoena may permit information to be reviewed or copied with redaction.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed May 17, 2019; effective August 15, 2019.

1120-13-.05 REDACTION OF RECORDS.

- (1) If a record contains confidential information or information that is not open for public inspection, the Department shall prepare a redacted copy prior to providing access.
 - (a) Whenever a redacted record is provided, the Department should provide the requestor with the basis for redaction.
 - (b) If questions arise concerning redaction, the Department should coordinate with the Office of General Counsel or other appropriate parties regarding review and redaction of records.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rules filed May 17, 2019; effective August 15, 2019.

1120-13-.06 COPIES OF RECORDS.

- (1) Copies will be available for pickup at the Department or, upon the requestor's payment for postage, copies will be delivered to the requestor's address by the United States Postal Service.
- (2) Depending on the size of the record, the Department may be able to send it via secure email.
- (3) A requestor will not be allowed to make copies of records with personal equipment, unless the requestor is an employee inspecting his or her own personnel file.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rules filed May 17, 2019; effective August 15, 2019. Amendments filed January 18, 2023; effective April 18, 2023.

1120-13-.07 PRODUCTION COSTS. The Department shall charge the requesting party a reasonable charge for production costs, including labor, duplication and delivery. Charges will be based on the most current Schedule of Reasonable Charges issued by the Office of Open Records Counsel within the Comptroller's Office. Fees and charges for copies of public records should not be used to hinder access to public records. For more detailed information, please review Department of Human Resources Policy 12-042.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rules filed May 17, 2019; effective August 15, 2019. Amendments filed January 18, 2023; effective April 18, 2023.

1120-13-.08 PAYMENT OF PRODUCTION COSTS. The Department shall provide requestor(s) with an itemized estimate of the charges prior to producing copies of records. The Department shall require the requesting party to provide full payment of the production costs before copies of the requested records

(Rule 1120-13-.08, continued)

are delivered or otherwise made available. Payment is to be made by cash or check payable to the Department of Human Resources.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rules filed May 17, 2019; effective August 15, 2019.

1120-13-.09 WAIVER OF PRODUCTION COSTS.

- (1) No duplication costs will be charged for requests less than 34 pages if fees and labor costs are less than \$5.00.
- (2) When the requesting party is a federal, state or local government agency, the Department shall provide the requested copies of public records without charge. A request made by a federal, state, or local government agency on behalf of a citizen under the Tennessee Public Records Act shall be treated as a request by a citizen and charged accordingly.
- (3) There shall be no charge for inspection of public records. A charge will only be assessed if copies are requested. An appointment may be required to ensure the efficiency of requests.
- (4) The Commissioner may reduce any part of the fees calculated under these rules upon a determination that such reduction is in the best interest of the public.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 10-7-501, et seq. **Administrative History:** Original rules filed May 17, 2019; effective August 15, 2019.

1120-13-.10 PERSONNEL FILES. State employees shall be entitled to, during business hours, access to their personnel files. An employee may request copies of any material contained in their personnel file upon payment of the cost for such reproduction. Employees may use their own personal equipment to make copies of their personnel files without charge. An appointment may be required to view personnel files.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-50-108. **Administrative History:** Original rules filed May 17, 2019; effective August 15, 2019.