

APPENDIX F
CONFIDENTIALITY EXCEPTIONS

The following is a list of common exceptions to the right to inspect or copy public records in the custody of the University:

- (1) Personally identifiable information in education records, as required by the Family Educational Rights and Privacy Act, and other records of students in public educational institutions, as required by Tennessee Code Annotated § 10-7-504(a)(4);
- (2) Records containing opinions of value of real and personal property intended to be acquired for a public purpose until the acquisition thereof is finalized (Tennessee Code Annotated § 10-7-504(a)(6));
- (3) Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda, must be available for public inspection only after the completion of evaluation of same by the University. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to same, must be available for public inspection only after the completion of evaluation of same by the University (Tennessee Code Annotated § 10-7-504(a)(7));
- (4) Records protected by the attorney-client privilege or work product protection (Tennessee Code Annotated § 23-3-105; Tennessee Rule of Civil Procedure 26.02(3); common law);
- (5) Records relevant to a pending or contemplated criminal action (Tennessee Rule of Criminal Procedure 16(a));
- (6) Records relating to or arising out of the process for searching for and selecting an individual for the position of the President of The University of Tennessee or a Chancellor of a campus or institute of The University of Tennessee (Tennessee Code Annotated § 49-7-154);
- (7) Records that are of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the University of Tennessee, when the owner or donor of such records wishes to place restrictions on access to the records (Tennessee Code Annotated § 10-7-504(a)(8));
- (8) Computer programs, software, software manuals, and other types of information manufactured or marketed by persons or entities under legal right and sold, licensed, or donated to Tennessee state boards, agencies, political subdivisions, or higher education institutions; provided, that computer programs, software,

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software manuals, and other types of information produced by state or higher education employees at state expense must be available for inspection as part of an audit or legislative review process (Tennessee Code Annotated § 10-7-504(a)(18));

- (9) Credit card account numbers and any related personal identification numbers (PIN) or authorization codes (Tennessee Code Annotated § 10-7-504(a)(19));
- (10) Audit working papers (Tennessee Code Annotated § 10-7-504(a)(22));
- (11) Job performance evaluations (Tennessee Code Annotated § 10-7-504(a)(26));
- (12) The following information about a citizen of Tennessee unless disclosure is authorized by Tennessee Code Annotated § 10-7-504(a)(29):
 - (a) Social security numbers;
 - (b) Official state or government issued driver licenses or identification numbers;
 - (c) Alien registration papers or passport numbers;
 - (d) Employer or taxpayer identification numbers;
 - (e) Unique biometric data, such as fingerprints, voice prints, retina or iris images, or other unique physical representations; or
 - (f) Unique electronic identification numbers, routing codes or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data.
- (13) Records of any University employee's identity, diagnosis, treatment, or referral for treatment that are maintained by any state employee assistance program (Tennessee Code Annotated § 10-7-504(d));
- (14) Records required to be kept confidential by federal statute or regulation as a condition for the receipt of federal funds or for participation in a federally funded program (Tennessee Code Annotated § 10-7-503(b); Rules of The University of Tennessee, Chapter 1720-01-06);
- (15) The following records or information of any University employee, former University employee, or applicant (Tennessee Code Annotated § 10-7-504(f)):
 - (a) Home telephone and personal cell phone numbers;

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- (b) Bank account and individual health savings account, retirement account and pension account information; provided, that nothing must limit access to financial records of a governmental employer that show the amounts and sources of contributions to the accounts or the amount of pension or retirement benefits provided to the employee or former employee by the University;
 - (c) Social security number;
 - (d) Residential information, including the street address, city, state and zip code;
 - (e) Driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of the employee's job;
 - (f) The information listed in subdivisions (i)-(v) of immediate family members, whether or not the immediate family member resides with the employee, or household members;
 - (g) Emergency contact information; and
 - (h) Personal, nongovernment issued, e-mail address.
- (16) Personal information concerning University law enforcement personnel as determined by the chief law enforcement officer of the campus (Tennessee Code Annotated § 10-7-504(g));
- (17) Contingency plans of law enforcement agencies or other government entities prepared to respond to any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat involving a weapon of mass destruction, or terrorist incident, except the cost of developing such plans must not be confidential (Tennessee Code Annotated §§ 10-7-503(e); 10-7-504(a)(21)(A)(ii));
- (18) Information that would allow a person to obtain unauthorized access to confidential information or to government property (Tennessee Code Annotated § 10-7-504(i)(1));
- (a) "Government property" includes, without limitation, electronic information processing systems, telecommunication systems, or other communications systems of a governmental entity;
 - (b) Records protected by this exception include:

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- (i) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;
 - (ii) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and
 - (iii) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.
 - (c) Documents concerning the cost of protecting government property or electronic information must not be confidential.
- (19) The identity of a vendor that provides goods and services used to protect government property, government employee information, or citizen information to the University and the identity of a vendor that provides to the state goods and services used to protect electronic information processing systems, telecommunication and other communication systems, data storage systems, government employee information, or citizen information (Tennessee Code Annotated § 10-7-504(i)(3));
- (20) Information and records that are directly related to the security of any government building including, without limitation (Tennessee Code Annotated § 10-7-504(m)):
- (a) Information and records about alarm and security systems used at the government building, including codes, passwords, wiring diagrams, plans and security procedures and protocols related to the security systems;
 - (b) Security plans, including security-related contingency planning and emergency response plans;
 - (c) Assessments of security vulnerability;
 - (d) Information and records that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and
 - (e) Surveillance recordings, whether recorded to audio or visual format, or both, except segments of the recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity.

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- (21) Any bank account information that is received, compiled, or maintained by the University including, without limitation, debit card numbers and any related personal identification numbers (PINs) or authorization codes, bank account numbers, and transit routing numbers (Tennessee Code Annotated § 10-7-504(r));
- (22) Video taken by a law enforcement body camera that depicts the following (Public Chapter 255 - 2017):
 - (a) Minors, when taken within a school that serves any grades from kindergarten through grade twelve (K-12);
 - (b) The interior of a facility licensed under title 33 or title 68 of the Tennessee Code; or
 - (c) The interior of a private residence that is not being investigated as a crime.
- (23) Research records (Tennessee Code Annotated § 49-7-120));
- (24) Records and information that concern gifts to the University or The University of Tennessee Foundation, Inc., and that include the name, address, telephone number, social security number, driver license information, or any other personally identifiable information about the donor or members of the donor's family (Tennessee Code Annotated § 49-7-140)); and
- (25) The following information concerning the victim of a criminal offense who is a minor:
 - (a) Name, unless the custodial parent or legal guardian of the minor victim of an offense has petitioned a court of record to waive confidentiality and allow the minor victim's name to be obtained in the same manner as other public records and the court entered an order granting the waiver;
 - (b) Home, work, and electronic mail addresses;
 - (c) Telephone numbers;
 - (d) Social security number;
 - (e) Any photographic or video depiction of the minor victim; and
 - (f) Whether the defendant is related to the victim unless the relationship is an essential element of the offense.