



Personnel Records

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Personnel Records	3
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Personnel Records

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Personnel records clearly fall under the Act's definition of public record and are thus accessible to the public. Salary information, disciplinary records, and employment applications are all open for public inspection, subject to any required redaction. Other personal information such as Social Security numbers and bank account and routing numbers, medical records, and driver's license information is confidential and should never be released. Almost every personnel file contains confidential information. This is why original personnel records should never be released. Instead, even where a requestor only requests inspection, a copy of the requested records should be made, and all confidential information should be redacted before inspection occurs.

The following is a non-exhaustive list of provisions that make certain records and information included as part of an employee's personnel record confidential:

- T.C.A. § 10-7-504(a)(13) makes all records and communications related to mental health intervention techniques conducted by mental health professionals in a group setting to provide job-related critical incident counseling and therapy to law enforcement officers, municipal correctional officers, dispatchers, EMTs, EMT-Ps, and firefighters, both volunteer and professional, confidential.
- T.C.A. § 10-7-504(f) makes the following records maintained by a municipality in its capacity as an employer confidential, and only accessible in limited circumstances:
 - (A) Home telephone and personal cell phone numbers;
 - (B) Bank account and individual health savings account, retirement account and pension account information; provided, that nothing shall 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 governmental employer;
 - (C) Social security number;
 - (D)(i) Residential information, including the street address, city, state and zip code, for any state employee; and
 - (ii) Residential street address for any county, municipal or other public employee;
 - (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 (f)(1)(A)--(E) of immediate family members, whether or not the immediate family member resides with the employee, or household members;
 - (G) Emergency contact information, except for that information open to public inspection in accordance with subdivision (f)(1)(D)(ii); and
 - (H) Personal, nongovernment issued, email address.
- T.C.A. § 10-7-504(d) makes the records related to any employee's identity, diagnosis, treatment or referral for treatment maintained by a municipality's employee assistance program (EAP) confidential.
- T.C.A. § 50-9-109 makes drug and alcohol testing information received by an employer participating in the Drug-Free Workplace Program confidential.
- T.C.A. § 10-7-504(a) makes the medical records of any individual receiving medical treatment, in whole or in part, at the expense of the State or the municipality, confidential.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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