



Police Personnel Records

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://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,

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Some of the most commonly requested personnel records are those of law enforcement officers. The personnel records of law enforcement officers are also less accessible to the public than the personnel files of any other group of public employees.

When a request is made to inspect or receive copies of the personnel records of a law enforcement officer, the municipality must, within three days of the inspection taking place or the copies being provided, notify the officer whose records were requested. The notice must say that copies were provided or an inspection took place and include the name, address, and telephone number of the person making the inspection; for whom the inspection was made; and the date of the inspection. (T.C.A. § 10-7-503(c)).

Additionally, while the personnel records of law enforcement officers are subject to the exception in T.C.A. § 10-7-504(f) that covers all public employees, the records are also subject to the exception found in T.C.A. § 10-7-504(g) that is specific to law enforcement officers. T.C.A. § 10-7-504(g)(1)(A) allows the police chief to "segregate" information about any officer working undercover and maintain as confidential "personal information" about any officer and his or her immediate family, when there is a reason not to disclose the personal information. Personal information is defined to include, "the officer's residential address, home and personal cellular telephone numbers; place of employment; name, work address and telephone numbers of the officer's immediate family; name, location, and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled." T.C.A. § 10-7-504 (g)(1)(A)(ii) requires the chief or the chief's designee to make a determination as to the accessibility of personal information "when a request to inspect includes such personal information *and the request is for a professional, business, or official purpose*" (emphasis added). However, under Tennessee law, a requestor does not have to state his or her purpose for requesting records. As such, municipalities should have the police chief make the determination *every time* a request is made for a law enforcement officer's personnel records, if the records contain personal information. The police chief should decide, what, if any, personal information should be redacted prior to inspection or copying of the records.

If the police chief decides to withhold any information, he or she must give specific justification in writing to the requestor within two (2) days and release the redacted records. If the police chief decides there is no justification for keeping the personal information confidential, the officer must be notified and given reasonable opportunity to oppose the release. When the request is from a business entity, it must also include the name and contact information for a supervisor for verification.

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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