

Key Provisions for Recording Devices

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,

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Key Provisions for Recording Devices

Reference Number:
MTAS-1908

There are two key provisions of this act concerning video and photographic recording devices. First, the audio/visual electronic data files produced by the camera are included in the definition of public record. Second, if a firefighter uses the video or photographic recording device while on duty or engaged in fire department activities, which includes activities inside the fire station, on the training ground, or on an emergency response, under Tennessee Code Annotated (T.C.A.) all such video and/or photographs would have been made "in connection with the transaction of official business." Since the audio/visual file is a public record, the video or photograph is open to inspection under T.C.A. § 10-7-503(a)(2)(A). In addition, T.C.A. § 10-7-505(d) directs the courts to interpret the provisions of the Tennessee Public Records Act "broadly...so as to give the fullest possible public access to public records." Finally, Tennessee courts have found that even in the face of serious countervailing considerations, unless there is an express exemption within the law, a record and/or information must be released.

The open records act is not limited to video and sound recorded by helmet cameras. There are eyeglasses that record video and sound, pocket recorders that record video and sound, cell phone cameras that record video, photographs, and sound, etc. No matter what device is used, any video, photograph, and sound recorded by fire department personnel "in connection with the transaction of official business" is subject to the Tennessee open records act. This being said, the firefighter's personal device with a public record on it could be confiscated as evidence for extended periods of time.

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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