



County Technical Assistance Service

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Denial of Access to Public Records—Liability

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county 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 county 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 e-Li material.

Sincerely,

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Denial of Access to Public Records—Liability

Reference Number: CTAS-1165

Any citizen of Tennessee who is denied the right to personal inspection of a public record in whole, or in part, is entitled to petition the court to review the actions that were taken to deny access and to grant access to the record.^[1] Petitions may be filed in the chancery court for the county where the records are located or in any other court exercising equity jurisdiction in the county.^[2] Upon the filing of the petition, the court shall, at the request of the petitioning party, issue an order requiring the defendant to appear and show cause why the petitioner should not be granted access to the record. No formal written response to the petition is required. The burden of proof rests on the person having custody of the records to show why public access should not be allowed.^[3] If the court determines that the petitioner has a right to inspect the records, they shall be made available unless the defendant timely files for appeal or the court certifies a question with respect to disclosure of the records to an appellate court.^[4] If a public official is required to disclose records pursuant to these procedures, he or she can not be held civilly or criminally liable for any damages caused by the release of the information.^[5] If, however, the court determines that the government entity knowingly and willfully refused to disclose a public record, it may, in the discretion of the judge, assess all reasonable costs involved in obtaining the record, including attorney's fees, against the governmental entity.^[6]

^[1] T.C.A. § 10-7-505(a).

^[2] T.C.A. § 10-7-505(b).

^[3] T.C.A. § 10-7-505(c).

^[4] T.C.A. § 10-7-505(e).

^[5] T.C.A. § 10-7-505(f).

^[6] T.C.A. § 10-7-505(g).

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