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Domestic Violence Prevention and Protection Documents

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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Reference Number: CTAS-1174

In addition to the large group of records made strictly confidential by state laws, there is another class of records that *may* be made confidential by a 1999 law. Chapter 344 of the public acts of 1999 amends T.C.A. § 10-7-504 to allow persons who have obtained a “valid protection document” to request certain information that could be used to locate them be kept confidential. Protection documents are defined by the act and include such things as orders of protection and affidavits of directors of a rape crisis center or domestic violence shelter. If the individual desiring confidentiality presents one of these documents to the records custodian for the governmental entity and requests confidentiality, the custodian of the records may choose to comply with the request or reject it. If the request is rejected, the custodian must state the reason for denying the request. If the request is granted, the records custodian must place a copy of the protection document in a separate confidential file with any other similar requests, indexed alphabetically by the names of the persons requesting confidentiality. From that point on until the custodian is notified otherwise, any time someone requests to see records of the office, the records custodian must consult the file and ensure that any identifying information about anyone covered by a protection document filed with the office is kept confidential before allowing any record to be open for public inspection. “Identifying information” includes any record of the home and work addresses, telephone numbers, social security number and “any other information” regarding the person that could reasonably be used to locate an individual. That information must be redacted from the records of the office before anyone can be allowed to inspect the records of the office. Since it is difficult to ascertain what information could possibly be used to locate an individual, you are strongly cautioned against complying with such requests. Unless you are certain your office can redact all identifying information regarding an individual from all files of your office you should probably reject such requests for confidentiality, citing the administrative difficulty in redacting the records. It is not mandatory for your office to comply with these requests. However, if you do comply and then fail to protect all such information, you may create liability for your office.

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