



Bureau of TennCare

Policy Manual

Policy No: HIP 06-012	
Subject: Public Records Requests (Non-Media)	
Approval: <i>D. J. G.</i>	Date: 3/13/2009

PURPOSE OF POLICY

This policy addresses how the Bureau of TennCare (the Bureau) will respond to non-media requests for Public Records.

POLICY

The Bureau of TennCare shall timely respond to Public Records Requests (PRR) by Tennessee residents pursuant to T.C.A. § 10-7-503 (2005). Non-Media PRRs shall be processed by the TennCare Privacy Office, Office of General Counsel. (See Policy HIP 06-011 for PRRs by news and other media organizations.) Requests may be sent to:

TennCare Privacy Office
Bureau of TennCare
P.O. Box 20007
Nashville, TN 37202

DISCUSSION & LEGAL BASIS

Enrollee medical and individually identifying information or other Protected Health Information (PHI) is not subject to public records requests (PRR). Enrollee PHI is confidential except as use or disclosure is permitted by HIPAA and other federal and state privacy rules.

As provided by Tenn. Comp. R. & Regs. 1200-13-11-.01(2) (205), the Bureau shall make records available for inspection during normal business hours upon request. However, in the event the Bureau determines that considerable effort shall be required to locate or assemble records in a suitable work area, the Bureau will then coordinate with the requester to make the records available for inspection within a reasonable time. Such decision shall rest solely with the Bureau.

PROCEDURE

1. A Bureau staff person receiving a PRR shall forward it to the TennCare Privacy Office;
2. The TennCare Privacy Office will forward the PRR to the Director of Public Affairs for media determination. Upon the determination of non-media status, the PRR will be returned to the TennCare Privacy Office.
3. The TennCare Privacy Office will timely respond to PRR by Tennessee residents pursuant to T.C.A. § 10-7-503 (2005), if longer than 30 days to gather the request, the requester will be notified;
4. The Bureau does not provide access to public records to non-residents.
5. Steps of records tracking shall be maintained in a separate desktop procedure. This procedure shall be updated periodically by the TennCare Privacy and Compliance Officer;
6. Tennessee residents shall be notified of any copy fees or estimated cost of writing special program(s) written to compile applicable records;
7. Release of records to Tennessee residents upon receipt of appropriate fees.

DEFINITIONS

Confidential Record or **Confidential Public Record**: means any record which has been designated confidential by law or statute and includes information or matters or records considered privileged and any aspect of which access by the general public has been generally denied.

Individually Identifying Information: means the home and work addresses and telephone numbers, social security number, and any other information that could reasonably be used to locate the whereabouts of an individual.

Protected Health Information (PHI): means information about an individual's health and medical history. PHI can also include non-medical facts like address or date of birth, which identify an individual.

Public Record or Records: means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or

received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

Public Records Request (PRR): means any request for public records which is so identified by the requester or by the TennCare Privacy Office.

Requester: means any person or organization which is requesting the release of Bureau records.

OFFICES OF PRIMARY RESPONSIBILITY

Office of TennCare Director of Public Affairs
TennCare Privacy Officer, Office of General Counsel

RELATED FORMS

None

REFERENCES

T.C.A. § 10-7-101 *et seq.*, particularly T.C.A. § 10-7-503 and
T.C.A. § 10-7-504, T.C.A. § 4-5-202, T.C.A. § 71-5-109 (2005)
Tennessee Comprehensive Rules & Regulations 1200-13-11-.01 (1,2) (2005)
Tenn.Op. Atty. Gen. No. 01-132, 2001 WL 1048622 (Tenn.A.G.) Opinion that persons not
citizens of Tennessee may be denied access to public records.
Tenn. Op. Atty. Gen. No. 99-067, 1999 WL 238963 (Tenn. A.G.) Such denial is not a
violation of the privileges and immunities clause of the U.S. Constitution.