

# Privacy Training

presented by Andrew Wyatt

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**Records Management**  
**Secretary of State Tre Hargett**

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# Confidentiality & Ethics



- As State employees consider all information you access as confidential, in that it is not for general discussion.
- Information is not to be used for personal gain. This includes monetary gain or for social gain or influence.
- Be careful in sharing even information that is considered open public record in your personal or professional life.

# TN Code References



Tenn. Code Ann. § 10-7-504

- (a) (1) Medical
- (a) (2) Investigations
- (a) (3) Military Records
- (a) (4) Attorney General Records
- (a) (11) State Archives donated items (universities and colleges as well)
- (a) (17) Domestic Violence victims

There are numerous confidentiality items.

# Private Personal Information



## Standard Protected Information

T.C.A. 10-7-504 (a) (29)

- Medical or Health Information
- Social Security Number
- Bank Account Information
- Financial Data
- Juveniles' Personal Information
- Investigation Records
- Military Service Records

# Health Information Portability and Accountability Act



## HIPAA: Health Insurance Portability and Accountability Act of 1996 (HIPAA, Title II)

- Medical Information is confidential and only may be disclosed in certain circumstances.
- Requires patient agreement for many disclosures.
- Requires legal reasons for other disclosures.
- Do not release any medical or health information without guidance from General Counsel.
- If in doubt check with Legal Division first.

# Family Educational Rights and Privacy Act



FERPA (20 U.S.C. § 1232g; 34 CFR Part 99)

Protected Information Includes:

- Student Records (inclusive)

Allowed Disclosures

- Parents and eligible (adult) students
- Education Officials with official reason to view
- Comply with legal requests
- A student directory with permission (parents/students)

# Minor Child Information



- Must be safeguarded as a general rule. Do not disclose information on a minor.
- Multiple areas covered in T.C.A. 10-7-504
- There must be specific reasons for information to be disclosed.
- Refer to your General Counsel's office.

# Family Information of Law Enforcement Personnel



- T.C.A. 10-7-504 (f) (1)
- Protecting the safety of peace officers and their families.
- This covers judges, law enforcement, and other specific individuals.
- Included Information
  1. Addresses
  2. Names of spouses and minor children
  3. Family Files



# Court Orders or Seals



- Generally, this covers information that is not to be disclosed without permission of the court.
- Expungements are considered confidential, and the information is removed from the public file. It does not mean it goes away completely.
- Specific instructions allowing disclosure will be part of the seal if any disclosure is allowed.

# Investigations



- Active investigations are considered confidential. Information is not available for public records requests or disclosure.
- Aspects of investigations may retain confidentiality even longer. This may depend on the type of investigation and the agency.
- Certain agencies such as the TBI have more extensive confidentiality.
- In all cases refer to your general counsel for further guidance.

# General Data Protection Regulation



- European Union's GDPR
- Strict guidelines preventing the disclosure or sharing of data on EU citizens and residents.
- Applies to any entity doing business/operating in the European Union.
- Severe financial penalties possible for companies that violate the regulations.
- Take time to determine if your agency is affected because of operations or recruitment efforts in the EU.

# Closing Remarks



- Privacy is a hot topic now.
- Includes the push for the right to be forgotten.
- Your personal information is worth BIG MONEY in the corporate world.
- There are questions about how much corporations know about individuals and how that information is used.
- Respect the privacy of the citizens who utilize government services.