

CHAPTER NO. 259

SENATE BILL NO. 1473

By Henry, Burks

Substituted for: House Bill No. 867

By Kisber

AN ACT To amend Tennessee Code Annotated, Section 10-7-504, to protect confidential information and ensure state security.

WHEREAS, The General Assembly finds that there is a danger of computer crime and other abuse of electronic data management programs and resources used by public entities in the State of Tennessee; and

WHEREAS, This poses a threat to the orderly functioning of government and the provision of necessary services to citizens of this state; and

WHEREAS, It has never been the intention of the General Assembly to allow disclosure of records which would compromise the security of confidential information or government property; and

WHEREAS, A narrow limitation on the broad scope of the public records law of this state is necessary to protect the integrity of state operations and the privacy rights of Tennessee citizens; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is hereby amended by adding the following new subsection:

(_) (1) Information that would allow a person to obtain unauthorized access to confidential information or to government property shall be maintained as confidential. For the purpose of this section, "government property" includes electronic information processing systems, telecommunication systems, or other communications systems of a governmental entity subject to this chapter. For the purpose of this section, "governmental entity" means the State of Tennessee and any county, municipality, city or other political subdivision of the State of Tennessee. Such records include:

(A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;

(B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and

(C) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.

(2) Information made confidential by this subsection shall be redacted wherever possible and nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information.

(3) Documents concerning the cost of protecting government property or electronic information, and the identity of vendors providing goods and services used to protect government property or electronic information shall not be confidential.

SECTION 2. Tennessee Code Annotated, Section 10-7-504, is hereby amended by adding the following new subdivision to subsection (a):

() The credit card numbers of persons doing business with the state or political subdivision thereof, and any related Personal Identification Numbers (PIN) or authorization codes, are confidential and shall not be open for inspection by members of the public, whether this information is received by the state or political subdivision thereof through electronic means or paper transactions.


SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 16, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of May 2001


DON SUNDQUIST, GOVERNOR