

*** Current through the 2015 Regular Session and amendments approved at the November 4,
2014 General Election ***

Title 68 Health, Safety and Environmental Protection
Health
Chapter 3 Vital Records Act of 1977
Part 2 Records -- General Requirements

Tenn. Code Ann. § 68-3-205 (2015)

68-3-205. Disclosure of information -- Regulations.

(a) (1) To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital records, it is unlawful for any person to permit inspection of, or to disclose information contained in, vital records, or to copy or issue a copy of all or part of any such records, except as authorized by this chapter, by regulations promulgated pursuant to this chapter, or as otherwise authorized by law, or by order of a court of competent jurisdiction.

(2) Regulations promulgated pursuant to this chapter shall provide for adequate standards of security and confidentiality of vital records.

(b) The department may authorize, by regulation, the disclosure of information contained in vital records for research purposes.

(c) Appeals from decisions of the custodians of permanent local records refusing to disclose information, or to permit inspection of or copying of records under the authority of this section and regulations issued under this section, shall be made to the state registrar, whose decisions shall be binding upon the local custodians of permanent local records.

(d) (1) As used in this subsection (d), "authenticating document" means the certificate, license, order, decree, report or other document that makes legal, official and final the occurrence of a certain event.

(2) (A) Notwithstanding any other provision of this chapter, or any rule promulgated pursuant to this chapter, to the contrary, an application for a marriage license and the authenticating document for the events of birth, death, marriage, divorce, or annulment of marriage, whether maintained or stored by or in the possession of a county clerk, court clerk, state registrar or other custodian authorized by the state registrar, shall be considered a public record, and further, that verified information from such documents may be provided upon request. Nothing in this section shall be construed to permit the disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate or the "Confidential Information" section of the certificate of marriage or certificate of divorce or annulment, unless specifically authorized by the state registrar for statistical or research purposes. This data is not subject to subpoena or court order and is not admissible before any court or judicial body.

(B) Verified information from birth records may only be provided by the state registrar or the local registrar in a local health department in a county with a population of two hundred fifty thousand (250,000) or greater, according to the 1970 federal census.

(C) Certified or noncertified copies or abstracts of birth certificates of persons in the federal witness protection program shall be provided only to a person requesting a copy of the person's own birth certificate or that person's supervising federal marshal.

(D) A certified copy or other copy of a death certificate containing the cause of death information shall not be issued, except:

(i) Upon specific request of the spouse, children, parents, or other next of kin of the decedent or their respective authorized representatives;

(ii) When a documented need for the cause of death to establish a legal right or claim has been demonstrated;

(iii) When the request for the copy is made by or on behalf of an organization that provides benefits to the decedent's survivors or beneficiaries;

(iv) Upon specific request by local, state, or federal agencies for research or administrative purposes approved by the state registrar;

(v) When needed for research activities approved by the state registrar;

(vi) Upon receipt of an order from a court of competent jurisdiction ordering such release; or

(vii) Upon receipt of a written request from a department representative authorized by chapter 142, part 1, of this title to obtain the records.

(E) The state registrar and other custodians of vital records authorized by the state registrar to issue certified copies shall, upon receipt of an application, issue a certified copy of a vital record in the registrar's or custodian's custody, or a part of the vital record to the registrant, the registrant's spouse, children, parents, or guardian, or their respective authorized representative. Others may be authorized to obtain certified copies when they demonstrate that the records are needed for the determination or protection of their personal or property rights.

(3) Except as provided in subdivision (d)(2), nothing in this subsection (d) shall be construed as altering the legal status as an open or confidential record of any information, document, record or report used to compile or produce the information contained on the authenticating document, including, but not limited to, applications, medical or law enforcement reports, settlement agreements, or court pleadings and filings.

(4) The state registrar shall promulgate rules to effectuate the provisions and intent of this subsection (d), including rules concerning the provision of verified information from authenticating documents to members of the public.

(e) When one hundred (100) years have elapsed, after the date of birth, or fifty (50) years have elapsed after the date of death, marriage, divorce or annulment of marriage, the records of these events in the custody of the state registrar shall be made available to the public in accordance with regulations that provide for the continued safekeeping of the records.

(f) Any microfilm copy of a vital record in the possession of the state library and archives, or a local library, shall be available for public inspection.

HISTORY: Acts 1977, ch. 128, § 23; T.C.A., § 53-425; Acts 1988, ch. 891, § 1; 1993, ch. 432, §§ 1, 2; 2007, ch. 588, § 1.