



County Technical Assistance Service

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Records on Computer Media

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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Records on Computer Media

Reference Number: CTAS-677

The county clerk and other governmental officials are authorized to maintain on a computer any information required to be kept as a record, instead of maintaining bound books or paper records, but only if certain standards are met. The standards for maintaining records on computer media are (T.C.A. § 10-7-121):

1. The information must be available for public inspection, unless it is a confidential record according to law;
2. Due care must be taken to maintain the information that is a public record during the time required for retention;
3. All daily information generated and stored in the computer must be copied daily to computer storage media, and all copied storage media over one week old must be stored at another location; and
4. The official must be able to provide a paper copy of the information when needed or when requested by a member of the public.

Also, upon the promulgation of proper rules by the secretary of state, county officers may destroy or archive elsewhere, as appropriate, original paper records upon reproduction onto computer storage media, or in any appropriate electronic medium, after following certain procedures and standards and having the destruction or record transfer approved by the County Public Records Commission and the State Library and Archives. T.C.A. § 10-7-404.

Effective in 2008, all municipalities and counties must create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by such municipality or county. Failure to comply creates a cause of action or claim for damages against the municipality or county if a citizen of this state proves by clear and convincing evidence that such citizen was a victim of identity theft due to a failure to provide safeguards and procedures regarding that citizen's confidential information. T.C.A. § 47-18-2901.

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