

January 2, 2020

Kevin Bate
E-mail: kevindbate@yahoo.com

VIA E-MAIL

Dear Mr. Bate:

On November 20, 2019, the Tennessee Department of Safety & Homeland Security received your Public Records Act request for the documents identified on the attached letter. On December 2, 2019, this Office informed you that that by January 6, 2020, either the records you have requested to inspect would be available or a determination of accessibility and availability would be made regarding the requested records.

Tennessee Code Annotated § 10-7-503(a) provides the following:

(2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall within seven (7) business days:

- (i) Make such information available to the requestor [emphasis added];
- (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or
- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information.

This Office has completed the process of retrieving and reviewing the responsive documents, totaling 102 pages. Pursuant to Tenn. Code Ann. § 10-7-504(i)(1) information contained in responsive documents has been redacted and shall remain confidential. Tenn. Code Ann. § 10-7-504(i)(1) provides, in pertinent part:

"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. [] 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

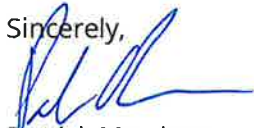
access to electronic information or government property.

Additionally, please be advised that the responsive documents (96 pages of the 102 pages) include a software manual; however, such document is not open to public inspection per Tenn. Code Ann. § 10-7-504(a)(18), which states the following:

(18) Computer programs, software, software manuals, and other types of information manufactured or marketed by persons or entities under legal right and sold, licensed, or donated to Tennessee state boards, agencies, political subdivisions, or higher education institutions shall not be open to public inspection; provided, that computer programs, software, software manuals, and other types of information produced by state or higher education employees at state expense shall be available for inspection as part of an audit or legislative review process.

As the total costs to process your request were less than \$50.00, there will be no charge.

Sincerely,



Patrick Morrison
Associate Counsel