

June 27, 2023

Via email: 147837-00688424@requests.muckrock.com

Dear Mr. Hoover,

This letter is in response to your emailed request dated June 19, 2023, for: "The current field of memberships of all credit unions that [the Department] regulate[s]." For purposes of this response, the Department assumes that you have requested a complete listing of the current fields of membership for all Tennessee state-chartered credit unions regulated by the Department. For the reasons set forth below, the Department must deny your request.

The Tennessee Public Records Act provides that "all state....records shall, at all times during business hours,...be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen **unless otherwise provided by state law.**"¹ Tenn. Code Ann. § 10-7-503 (emphasis added). Certain state law provides otherwise.

Tenn. Code Ann. § 45-1-120 makes information from the records of the Department confidential. For many years, commissioners of the Department have invoked Tenn. Code Ann. § 45-1-120 in order to safeguard Department records. Concern over consumer privacy and identity is a major factor in the Department's approach to the protection of records and the Department has made a concerted effort not to establish any disclosure precedent that might weaken or jeopardize the confidentiality of Department records generally. Moreover, the Commissioner, Department examiners and employees have taken an oath to safeguard all Department information, and Tenn. Code Ann. § 45-1-109(b) provides that a willful violation of this oath is a criminal offense.

In addition, the Tennessee Public Records Act in Tenn. Code Ann. § 10-7-503(a)(4) indicates that the Department is not required "to sort through files to compile information or to create or recreate a record that does not exist." See also, Rule 0180-34-.05(4) of the Rules of the Department of Financial Institutions stating that the rules shall not be construed to require the Department "to sort through files to compile information or to create or recreate a record that does not exist."

Should you have questions regarding this letter, please feel free to contact me by email at daniel.espensen@tn.gov.

Sincerely,

Daniel S. Espensen  Digitally signed by Daniel S.
Espensen
Date: 2023.06.27 13:48:56 -05'00'

Daniel S. Espensen
Senior Associate Counsel

¹ Although you have noted that you are a citizen of Tennessee, your request does not include any proof of citizenship as required by Rule 0180-34-.03(5) of the Rules of the Department of Financial Institutions.