

HOUSE BILL 2125

By Howell

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to proprietary information submitted by commercial operators to the department of environment and conservation.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following as a new subdivision:

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(A) All records containing proprietary information provided to the department of environment and conservation by a commercial service provider who conducts commercial operations on a park as defined in § 11-3-101 are confidential and are not to be open for inspection by members of the public. As used in this subdivision(a)(), "proprietary information" means commercial or financial information that is used either directly or indirectly in the business of a person or company submitting information to the department of environment and conservation and that gives the person an advantage or an opportunity to obtain an advantage over competitors who do not know of or use the information.

(B) Subdivision (a)()(A) does not limit:

(i) Access to information made confidential pursuant to subdivision (a)()(A):

(a) By law enforcement agencies, courts, or other governmental agencies performing official functions; or

(b) When a commercial service provider expressly authorizes the release of the information; or

(ii) The release of a record made confidential pursuant to subdivision (a)() (A) to persons identified within the record, unless the record is subject to a legal privilege against disclosure.

(C) Records provided to the department of environment and conservation in connection with an agreement governed by § 11-3-111 are not subject to subdivision (a)() (A).

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it.