

West's Tennessee Code Annotated

Title 47. Commercial Instruments and Transactions

Chapter 18. Consumer Protection (Refs & Annos)

Part 22. Video Consumer Privacy

T. C. A. § 47-18-2204

§ 47-18-2204. Seller or service provider; disclosure of personally identifiable information concerning consumers

Effective: August 5, 2013

Currentness

(a) A video tape seller or service provider who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider shall be liable to the aggrieved person for the relief provided in § 47-18-2205.

(b)(1) A video tape seller or service provider shall disclose personally identifiable information concerning any consumer:

(A) To a grand jury pursuant to a grand jury subpoena;

(B) Pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, or in a criminal proceeding upon a showing of legitimate need for the information that cannot be accommodated by any other means, if:

(i) The consumer is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order;

(ii) The consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure; and

(iii) The court imposes appropriate safeguards against unauthorized disclosure;

(C) To a law enforcement agency pursuant to a warrant lawfully obtained under the laws of this state or the United States;  
or

(D) To a court pursuant to a civil action commenced by the video tape seller or service provider or to enforce collection of fines for overdue or unreturned video tapes, and then only to the extent necessary to establish the fact of the rental. Notwithstanding the foregoing, a court shall impose appropriate safeguards against unauthorized disclosure.

(2) In addition, if the consumer is a minor under eighteen (18) years of age, a video tape seller or service provider shall disclose to the minor's parent or legal guardian personally identifiable information concerning the minor upon receiving a request from the parent or legal guardian for such information.

(c) A video tape service seller or provider may disclose personally identifiable information concerning any consumer to:

(1) The consumer;

(2) Any person with the informed, written consent of the consumer; or

(3) Any person if the disclosure is incidental to the ordinary course of business of the video tape service provider or seller; and

(4) Any person if the disclosure is for the exclusive use of marketing goods and services directly to the consumer, and the video tape service seller or provider has provided the consumer with the opportunity, in a clear and conspicuous manner, to prohibit such disclosure.

(d) Personally identifiable information obtained in any manner other than as provided in this section shall not be received in evidence in any trial, hearing, arbitration, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee or other authority of the state or any political subdivision thereof.

(e) A person subject to this section shall destroy personally identifiable information as soon as practicable, but no later than one (1) year from the date the information is no longer necessary for the purpose for which it was collected unless a request or order for access to such information under this part is pending.

## Credits

[1999 Pub.Acts, c. 342, § 5, eff. June 14, 1999.](#)

T. C. A. § 47-18-2204, TN ST § 47-18-2204

Current with laws from the 2016 Second Reg. Sess., eff. through February 1, 2016

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