

House Bill 628

By: Representatives Squires of the 78th, Powell of the 23rd, Cummings of the 27th and Jackson of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to
2 when public disclosure of public records is not required and disclosure of exempting legal
3 authority, so as to provide an exception for the disclosure of certain data from individual
4 Georgia Uniform Motor Vehicle Accident Reports; to provide for practices and procedures;
5 to provide for restrictions; to prohibit the disclosure of certain data; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
10 disclosure of public records is not required and disclosure of exempting legal authority, is
11 amended by striking subsection (a) and inserting in its place the following:

12 "(a) Public disclosure shall not be required for records that are:

- 13 (1) Specifically required by the federal government to be kept confidential;
- 14 (2) Medical or veterinary records and similar files, the disclosure of which would be an
15 invasion of personal privacy;
- 16 (3) Except as otherwise provided by law, records compiled for law enforcement or
17 prosecution purposes to the extent that production of such records would disclose the
18 identity of a confidential source, disclose confidential investigative or prosecution
19 material which would endanger the life or physical safety of any person or persons, or
20 disclose the existence of a confidential surveillance or investigation;
- 21 (4) Records of law enforcement, prosecution, or regulatory agencies in any pending
22 investigation or prosecution of criminal or unlawful activity, other than initial police
23 arrest reports and initial incident reports; provided, however, that an investigation or
24 prosecution shall no longer be deemed to be pending when all direct litigation involving
25 said investigation and prosecution has become final or otherwise terminated;

1 (4.1) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the
 2 submission of a written statement of need by the requesting party, such statement to be
 3 provided to the custodian of records and to set forth the need for the report pursuant to
 4 this Code section; provided, however, that any person or entity whose name or
 5 identifying information is contained in a Georgia Uniform Motor Vehicle Accident
 6 Report shall be entitled, either personally or through a lawyer or other representative, to
 7 receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle
 8 Accident Reports shall not be available in bulk for inspection or copying by any person
 9 absent a written statement showing the need for each such report pursuant to the
 10 requirements of this Code section. For the purposes of this subsection, the term "need"
 11 means that the natural person or legal entity who is requesting in person or by
 12 representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

- 13 (A) Has a personal, professional, or business connection with a party to the accident;
- 14 (B) Owns or leases an interest in property allegedly or actually damaged in the
 15 accident;
- 16 (C) Was allegedly or actually injured by the accident;
- 17 (D) Was a witness to the accident;
- 18 (E) Is the actual or alleged insurer of a party to the accident or of property actually or
 19 allegedly damaged by the accident;
- 20 (F) Is a prosecutor or a publicly employed law enforcement officer;
- 21 (G) Is alleged to be liable to another party as a result of the accident;
- 22 (H) Is an attorney stating that he or she needs the requested reports as part of a criminal
 23 case, or an investigation of a potential claim involving contentions that a roadway,
 24 railroad crossing, or intersection is unsafe;
- 25 (I) Is gathering information as a representative of a news media organization; or
- 26 (J) Is conducting research in the public interest for such purposes as accident
 27 prevention, prevention of injuries or damages in accidents, determination of fault in an
 28 accident or accidents, or other similar purposes; provided, however, this subparagraph
 29 will apply only to accident reports on accidents that occurred more than 30 days prior
 30 to the request and which shall have the name, street address, telephone number and
 31 driver's license number redacted; provided, further, that such 30 day redaction rule
 32 may be waived, as necessary, at the discretion of the commissioner of public safety to
 33 permit access to the name and date of birth of persons involved in an accident, the date
 34 and time of an accident, and the county and location of an accident in order to
 35 accommodate highway safety research. Such rule shall be waived only at the request
 36 of the commissioner of public safety and shall be waived only for established Georgia
 37 highway safety and medical research organizations. Any such organization which is

1 permitted access to such data shall maintain all personal data as confidential and shall
2 not publish identifying personal data;

3 (5) Records that consist of confidential evaluations submitted to, or examinations
4 prepared by, a governmental agency and prepared in connection with the appointment or
5 hiring of a public officer or employee; and records consisting of material obtained in
6 investigations related to the suspension, firing, or investigation of complaints against
7 public officers or employees until ten days after the same has been presented to the
8 agency or an officer for action or the investigation is otherwise concluded or terminated,
9 provided that this paragraph shall not be interpreted to make such investigatory records
10 privileged;

11 (6) Real estate appraisals, engineering or feasibility estimates, or other records made for
12 or by the state or a local agency relative to the acquisition of real property until such time
13 as the property has been acquired or the proposed transaction has been terminated or
14 abandoned and engineers' cost estimates and rejected or deferred bid proposals until such
15 time as the final award is made, either received or prepared by the Department of
16 Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county pursuant to
17 Article 3 of Chapter 4 of Title 32, or by a municipality pursuant to Article 4 of Chapter
18 4 of Title 32;

19 (7) Notwithstanding any other provision of this article, an agency shall not be required
20 to release those portions of records which would identify persons applying for or under
21 consideration for employment or appointment as executive head of an agency as that term
22 is defined in paragraph (1) of subsection (a) of Code Section 50-14-1, or of a unit of the
23 University System of Georgia; provided, however, that at least 14 calendar days prior to
24 the meeting at which final action or vote is to be taken on the position, the agency shall
25 release all documents which came into its possession with respect to as many as three
26 persons under consideration whom the agency has determined to be the best qualified for
27 the position and from among whom the agency intends to fill the position. Prior to the
28 release of these documents, an agency may allow such a person to decline being
29 considered further for the position rather than have documents pertaining to the person
30 released. In that event, the agency shall release the documents of the next most qualified
31 person under consideration who does not decline the position. If an agency has conducted
32 its hiring or appointment process open to the public, it shall not be required to delay 14
33 days to take final action on the position. The agency shall not be required to release such
34 records with respect to other applicants or persons under consideration, except at the
35 request of any such person. Upon request, the hiring agency shall furnish the number of
36 applicants and the composition of the list by such factors as race and sex. ~~Provided,~~
37 ~~further, the~~ The agency shall not be allowed to avoid the provisions of this paragraph by

1 the employment of a private person or agency to assist with the search or application
2 process;

3 (8) Related to the provision of staff services to individual members of the General
4 Assembly by the Legislative and Congressional Reapportionment Office, the Senate
5 Research Office, or the House Research Office, provided that this exception shall not
6 have any application with respect to records related to the provision of staff services to
7 any committee or subcommittee or to any records which are or have been previously
8 publicly disclosed by or pursuant to the direction of an individual member of the General
9 Assembly;

10 (9) Records that are of historical research value which are given or sold to public
11 archival institutions, public libraries, or libraries of a unit of the Board of Regents of the
12 University System of Georgia when the owner or donor of such records wishes to place
13 restrictions on access to the records. No restriction on access, however, may extend more
14 than 75 years from the date of donation or sale. This exemption shall not apply to any
15 records prepared in the course of the operation of state or local governments of the State
16 of Georgia;

17 (10) Records that contain information from the Department of Natural Resources
18 inventory and register relating to the location and character of a historic property or of
19 historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2
20 if the Department of Natural Resources through its Division of Historic Preservation
21 determines that disclosure will create a substantial risk of harm, theft, or destruction to
22 the property or properties or the area or place where the property or properties are
23 located;

24 (11) Records that contain site specific information regarding the occurrence of rare
25 species of plants or animals or the location of sensitive natural habitats on public or
26 private property if the Department of Natural Resources determines that disclosure will
27 create a substantial risk of harm, theft, or destruction to the species or habitats or the area
28 or place where the species or habitats are located; provided, however, that the owner or
29 owners of private property upon which rare species of plants or animals occur or upon
30 which sensitive natural habitats are located shall be entitled to such information pursuant
31 to this article;

32 (11.1) An individual's social security number and insurance or medical information in
33 personnel records, which may be redacted from such records;

34 (11.2) Records that would reveal the names, home addresses, telephone numbers,
35 security codes, or any other data or information developed, collected, or received by
36 counties or municipalities in connection with the installation, servicing, maintaining,
37 operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other

1 electronic security systems; provided, however, that initial police reports and initial
2 incident reports shall remain subject to disclosure pursuant to paragraph (4) of this
3 subsection;

4 (12) Public records containing information that would disclose or might lead to the
5 disclosure of any component in the process used to execute or adopt an electronic
6 signature, if such disclosure would or might cause the electronic signature to cease being
7 under the sole control of the person using it. For purposes of this paragraph, the term
8 'electronic signature' has the same meaning as that term is defined in Code Section
9 10-12-3; or

10 (13) Records that would reveal the home address or telephone number, social security
11 number, or insurance or medical information of law enforcement officers, judges,
12 scientists employed by the Division of Forensic Sciences of the Georgia Bureau of
13 Investigation, correctional employees, and prosecutors or identification of immediate
14 family members or dependents thereof."

15 **SECTION 2.**

16 All laws and parts of laws in conflict with this Act are repealed.