

Senate Bill 205

By: Senators Thompson of the 33rd, Stokes of the 43rd and Tanksley of the 32nd**AS PASSED SENATE**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 shall not be required under Article 4 of Chapter 18 of Title 50, so as
 3 to exempt disclosure of certain personal information in all records; to provide for certain
 4 access to such personal information for certain purposes; to provide for related matters; to
 5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 9 disclosure shall not be required under Article 4 of Chapter 18 of Title 50, is amended by
 10 striking paragraph (11.1) of subsection (a) and inserting in lieu thereof the following:

11 "(11.1)(A) An individual's social security number, mother's birth name, credit card
 12 information, debit card information, bank account information, financial data or
 13 information, and insurance or medical information in ~~personnel~~ all public records, and
 14 if technically feasible at reasonable cost, day and month of birth, which may shall be
 15 redacted prior to disclosure of any record requested pursuant to this article; provided,
 16 however, that such information shall not be redacted from such records if the person or
 17 entity requesting such records requests such information in a writing signed under oath
 18 by such person or a person legally authorized to represent such entity which states that
 19 such person or entity;

20 (i) Is the individual in respect of whom such information is maintained or has the
 21 written consent of such individual or such individual's representative, a true and
 22 correct copy of which shall be attached;

23 (ii) Is a prosecutor or publicly employed law enforcement officer seeking such
 24 records in an official capacity;

25 (iii) Is gathering information as a representative of a news media organization for use
 26 in connection with news gathering and reporting;

1 (iv) Is a public employee of this state, its political subdivisions, or the United States,
2 obtaining such information for legislative or administrative purposes, in which case,
3 subject to applicable laws of the United States, further access to such information
4 shall continue to be subject to the provisions of this paragraph; or

5 (v) Has been authorized by the order of a court of competent jurisdiction upon good
6 cause shown to have access to any or all of such information upon such conditions as
7 may be set forth in such order.

8 (B) Obtaining information protected by the provisions of this paragraph fraudulently,
9 under false pretenses, or by means of false swearing shall be punishable as a
10 misdemeanor of a high and aggravated nature. Commercial use or dissemination of
11 information obtained pursuant to the provisions of this paragraph other than for the
12 purposes provided for in this paragraph shall be punishable as a misdemeanor of a high
13 and aggravated nature.

14 (C) In the event that the custodian of public records protected by this paragraph has
15 good faith reason to believe that a pending request for such records has been made
16 fraudulently, under false pretenses, or by means of false swearing, such custodian may
17 apply to the superior court of the county in which such records are maintained for an
18 order limiting or prohibiting access to such records.

19 (D) This paragraph shall be supplementary to, and shall not supplant, overrule, replace,
20 or otherwise modify or supersede any provision of statute or law restricting or
21 prohibiting access to the information identified in subparagraph (A) of this paragraph,
22 and shall constitute only a regulation of the methods of such access where not otherwise
23 restricted or prohibited. Compliance with the terms of this paragraph shall not be a
24 defense to any action, including without limitation an action for invasion of privacy,
25 other than an action brought alleging a violation of this statute."

26 SECTION 2.

27 This Act shall become effective upon its approval by the Governor or upon its becoming law
28 without such approval.

29 SECTION 3.

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