

The Senate Public Safety Committee offered the following substitute to HB 696:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to inspection of public records, so as to change certain provisions relating to
3 inspection of public records, printing of computerized indexes of county real estate records,
4 time for determination of whether requested records are subject to access, and electronic
5 access to records; to provide that certain requests may be required to be in writing; to change
6 certain provisions relating to exceptions from the requirements of disclosure of public
7 records; to provide an exception to public disclosure requirements with respect to public
8 records of an emergency "911" system containing information which would reveal the name,
9 address, or telephone number of a person placing a call to a public safety answering point,
10 which information may be redacted from such records in certain cases; to provide an
11 effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

13 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
14 inspection of public records, is amended by striking subsection (f) of Code Section 50-18-70,
15 relating to inspection of public records, printing of computerized indexes of county real
16 estate records, time for determination of whether requested records are subject to access, and
17 electronic access to records, and inserting in its place the following:
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19 "(f)(1) The individual in control of such public record or records shall have a reasonable
20 amount of time to determine whether or not the record or records requested are subject to
21 access under this article and to permit inspection and copying. In no event shall this time
22 exceed three business days. Where responsive records exist but are not available within
23 three business days of the request, a written description of such records, together with a
24 timetable for their inspection and copying, shall be provided within that period; provided,
25 however, that records not subject to inspection under this article need not be made available
26 for inspection and copying or described other than as required by subsection (h) of Code

1 Section 50-18-72, and no records need be made available for inspection or copying if the
 2 public officer or agency in control of such records shall have obtained, within that period
 3 of three business days, an order based on an exception in this article of a superior court of
 4 this state staying or refusing the requested access to such records.

5 (2) An agency may require that requests for records authorized by this article be
 6 submitted in writing; except that written requests shall not be required for the agenda,
 7 summary of matters acted on, and minutes of an agency's most recent meeting created
 8 pursuant to subsection (e) of Code Section 50-14-1, and any other records an agency
 9 determines to be routinely available. Where requests are required to be in writing, the
 10 writing may be delivered to an agency by mail, facsimile, Internet, or courier or other
 11 delivery in person."

12 SECTION 2.

13 Said article is further amended in Code Section 50-18-72, relating to exceptions from the
 14 requirements of disclosure of public records, by striking in their entirety paragraphs (12) and
 15 (13) of subsection (a) and inserting in lieu thereof the following:

16 "(12) Public records containing information that would disclose or might lead to the
 17 disclosure of any component in the process used to execute or adopt an electronic
 18 signature, if such disclosure would or might cause the electronic signature to cease being
 19 under the sole control of the person using it. For purposes of this paragraph, the term
 20 'electronic signature' has the same meaning as that term is defined in Code Section
 21 10-12-3; ~~or~~

22 (13) Records that would reveal the home address or telephone number, social security
 23 number, or insurance or medical information of law enforcement officers, judges,
 24 scientists employed by the Division of Forensic Sciences of the Georgia Bureau of
 25 Investigation, correctional employees, and prosecutors or identification of immediate
 26 family members or dependents thereof; or

27 (14) Unless the request is made by the accused in a criminal case or by his or her
 28 attorney, public records of an emergency '911' system, as defined in paragraph (3) of
 29 Code Section 46-5-122, containing information which would reveal the name, address,
 30 or telephone number of a person placing a call to a public safety answering point, which
 31 information may be redacted from such records if necessary to prevent the disclosure of
 32 the identity of a confidential source, to prevent disclosure of material which would
 33 endanger the life or physical safety of any person or persons, or to prevent the disclosure
 34 of the existence of a confidential surveillance or investigation."

SECTION 3.

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

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SECTION 4.

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