

HOUSE SUBSTITUTE TO SENATE BILL 205:

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 provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7
 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 adding after paragraph (11.2) of subsection (a) a new paragraph to read as follows:

11 '(11.3)(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 all records, and if technically
 14 feasible at reasonable cost, day and month of birth, which shall be redacted prior to
 15 disclosure of any record requested pursuant to this article; provided, however, that such
 16 information shall not be redacted from such records if the person or entity requesting such
 17 records requests such information in a writing signed under oath by such person or a
 18 person legally authorized to represent such entity which states that such person or entity
 19 is gathering information as a representative of a news media organization for use in
 20 connection with news gathering and reporting; and provided, further, that such access
 21 shall be limited to social security numbers and day and month of birth; and provided,
 22 further, that this news media organization exception for access to social security numbers
 23 and day and month of birth and the other protected information set forth in this
 24 subparagraph shall not apply to teachers and employees of a public school.

25 (B) A news media organization which uses a social security number or day and month
 26 of birth provided to the news media organization pursuant to the provisions of

1 subparagraph (A) of this paragraph to commit libel as defined in Code Section 51-5-1,
2 newspaper libel as defined in Code Section 51-5-2, or slander as defined in Code
3 Section 51-5-4 shall be liable for damages. Damages shall be inferred from the libel
4 or slander and shall consist of general or special damages, or both; punitive damages;
5 expenses of litigation; and attorney fees. Damages under this subparagraph shall not
6 be reduced by Code Section 51-5-10, relating to liability for defamatory statement in
7 visual or sound broadcast or Code Section 51-5-11, relating to admissibility of evidence
8 in a libel action concerning correction and retraction.

9 (C) Obtaining information protected by the provisions of this paragraph in violation of
10 this paragraph shall be punishable as a misdemeanor and shall give rise to a cause of
11 action for invasion of privacy by an injured party. Any prosecution pursuant to this
12 paragraph shall be in accordance with the procedure in subsection (b) of Code Section
13 50-18-74.

14 (D) 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 shall
17 apply to the superior court of the county in which such records are maintained for a
18 protective order limiting or prohibiting access to such records.

19 (E) This paragraph shall have no application to:

20 (i) The disclosure of information contained in the records or papers of any court or
21 derived therefrom;

22 (ii) The disclosure of information to a court, prosecutor, or publicly employed law
23 enforcement officer seeking records in an official capacity;

24 (iii) The disclosure of information to a public employee of this state, its political
25 subdivisions, or the United States who is obtaining such information for
26 administrative purposes, in which case, subject to applicable laws of the United
27 States, further access to such information shall continue to be subject to the provisions
28 of this paragraph;

29 (iv) The disclosure of information as authorized by the order of a court of competent
30 jurisdiction upon good cause shown to have access to any or all of such information
31 upon such conditions as may be set forth in such order;

32 (v) The disclosure of information to the individual in respect of whom such
33 information is maintained, with the authorization thereof, or to an authorized agent
34 thereof; provided, however, that the agency maintaining such information shall
35 require proper identification of such individual or such individual's agent, or proof
36 of authorization, as determined by such agency;

1 (vi) The disclosure of the day and month of birth and mother's birth name of a
2 deceased individual;

3 (vii) The disclosure of public records pursuant to Article 9 of Title 11 as now or
4 hereafter amended;

5 (viii) The disclosure by an agency of credit or payment information in connection
6 with a request by a consumer credit reporting agency as that term is defined under the
7 federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

8 (ix) The disclosure of information to protect against or prevent actual or potential
9 fraud or unauthorized transactions;

10 (x) The disclosure by an agency of information in its records in connection with the
11 agency's discharging or fulfilling of its duties and responsibilities, including, but not
12 limited to, the collection of debts owed to the agency or individuals or entities whom
13 the agency assists in the collection of debts owed to the individual or entity; or

14 (xi) The disclosure of information for legitimate law enforcement purposes.

15 (F) This paragraph shall supplement and shall not supplant, overrule, replace, or
16 otherwise modify or supersede any provision of statute, regulation, or law of the federal
17 government or of this state as now or hereafter amended or enacted requiring,
18 restricting, or prohibiting access to the information identified in subparagraph (A) of
19 this paragraph and shall constitute only a regulation of the methods of such access
20 where not otherwise provided for, restricted, or prohibited."

21 **SECTION 2.**

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