

Senate Bill 205

By: Senators Thompson of the 33<sup>rd</sup>, Stokes of the 43<sup>rd</sup> and Tanksley of the 32<sup>nd</sup>

**AS PASSED**

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:

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 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) This paragraph shall have no application to:

26 (i) The disclosure of information contained in the records or papers of any court or  
27 derived therefrom including without limitation records maintained pursuant to Article  
28 9 of Title 11;

1 (ii) The disclosure of information to a court, prosecutor, or publicly employed law  
2 enforcement officer, or authorized agent thereof, seeking records in an official  
3 capacity;

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

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

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

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

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

22 (viii) The disclosure by an agency of information in its records in connection with the  
23 agency's discharging or fulfilling of its duties and responsibilities, including, but not  
24 limited to, the collection of debts owed to the agency or individuals or entities whom  
25 the agency assists in the collection of debts owed to the individual or entity; or

26 (ix) The disclosure of information necessary to comply with legal or regulatory  
27 requirements or for legitimate law enforcement purposes.

28 (C) Records and information disseminated pursuant to this paragraph may be used only  
29 by the authorized recipient and only for the authorized purpose. Any person who  
30 obtains records or information pursuant to the provisions of this paragraph and  
31 knowingly and willfully discloses, distributes, or sells such records or information to  
32 an unauthorized recipient or for an unauthorized purpose shall be guilty of a  
33 misdemeanor of a high and aggravated nature and upon conviction thereof shall be  
34 punished as provided in Code Section 17-10-4. Any person injured thereby shall have  
35 a cause of action for invasion of privacy. Any prosecution pursuant to this paragraph  
36 shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.

1 (D) In the event that the custodian of public records protected by this paragraph has  
2 good faith reason to believe that a pending request for such records has been made  
3 fraudulently, under false pretenses, or by means of false swearing, such custodian shall  
4 apply to the superior court of the county in which such records are maintained for a  
5 protective order limiting or prohibiting access to such records.

6 (E) This paragraph shall supplement and shall not supplant, overrule, replace, or  
7 otherwise modify or supersede any provision of statute, regulation, or law of the federal  
8 government or of this state as now or hereafter amended or enacted requiring,  
9 restricting, or prohibiting access to the information identified in subparagraph (A) of  
10 this paragraph and shall constitute only a regulation of the methods of such access  
11 where not otherwise provided for, restricted, or prohibited."

12 **SECTION 2.**

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