

House Bill 684

By: Representatives Chambers of the 81<sup>st</sup>, Scott of the 153<sup>rd</sup>, and Oliver of the 83<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to extensively revise and restate provisions relating to public access to public records  
3 and provisions relating to open meetings; to provide for definitions; to provide for  
4 procedures, exceptions, and civil and criminal enforcement; to provide for other related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
9 by revising Chapter 14, relating to open and public meetings, as follows:

10 "CHAPTER 14

11 50-14-1.

12 (a) As used in this chapter, the term:

13 (1) 'Agency' means:

14 (A) Every state department, agency, board, bureau, commission, public corporation,  
15 and authority;

16 (B) Every county, municipal corporation, school district, or other political subdivision  
17 of this state;

18 (C) Every department, agency, board, bureau, commission, authority, or similar body  
19 of each such county, municipal corporation, or other political subdivision of the state;

20 (D) Every city, county, regional, or other authority established pursuant to the laws of  
21 this state; and

22 (E) Any nonprofit organization to which there is a direct or indirect allocation of tax  
23 funds made by the governing authority of any agency as defined in this paragraph and  
24 which allocation constitutes more than 33 1/3 percent of the funds from all sources of

25 such organization; ~~provided, however, this subparagraph shall not include hospitals,~~  
 26 ~~nursing homes, dispensers of pharmaceutical products, or any other type organization,~~  
 27 ~~person, or firm furnishing medical or health services to a citizen for which they receive~~  
 28 ~~reimbursement from the state whether directly or indirectly; nor shall this. This term~~  
 29 shall also include a subagency or affiliate of such a nonprofit organization from or  
 30 through which the allocation of tax funds is made.

31 (2) 'Meeting' means the gathering of a quorum of the members of the governing body of  
 32 an agency or of any committee of its members created by such governing body, whether  
 33 standing or special, pursuant to schedule, call, or notice of or from such governing body  
 34 or committee or an authorized member, at a designated time and place at which any  
 35 public matter, official business, or policy of the agency is to be discussed or presented or  
 36 at which official action is to be taken or, in the case of a committee, recommendations on  
 37 any public matter, official business, or policy to the governing body are to be formulated,  
 38 presented, or discussed. The assembling together of a quorum of the members of a  
 39 governing body or committee for the purpose of making inspections of physical facilities  
 40 under the jurisdiction of such agency or for the purposes of meeting with the governing  
 41 bodies, officers, agents, or employees of other agencies at places outside the geographical  
 42 jurisdiction of an agency and at which no final official action is to be taken shall not be  
 43 deemed a 'meeting.'

44 (b) Except as otherwise provided by law, all meetings ~~as defined in subsection (a) of this~~  
 45 ~~Code section~~ shall be open to the public. Any resolution, rule, regulation, ordinance, or  
 46 other official action of an agency adopted, taken, or made at a meeting which is not open  
 47 to the public as required by this chapter shall not be binding. Any action contesting a  
 48 resolution, rule, regulation, ordinance, or other formal action of an agency based on an  
 49 alleged violation of this provision ~~must~~ shall be commenced within 90 days of the date  
 50 such contested action was taken, provided that any action under this chapter contesting a  
 51 zoning decision of a local governing authority shall be commenced within the time allowed  
 52 by law for appeal of such zoning decision.

53 (c) The public at all times shall be afforded access to meetings declared open to the public  
 54 pursuant to subsection (b) of this Code section. Visual, sound, and visual and sound  
 55 recording during open meetings shall be permitted.

56 (d) Every agency shall prescribe the ~~time~~ times, ~~place~~ places, and dates of regular meetings  
 57 of the agency. Such information shall be available to the general public, and a notice  
 58 containing such information shall be posted and maintained in a conspicuous place  
 59 available to the public at the regular meeting place of the agency. If the agency maintains  
 60 a website, notice of regular meetings shall be posted on such website. Meetings shall be  
 61 held in accordance with a regular schedule, but nothing in this subsection shall preclude

62 an agency from canceling or postponing any regularly scheduled meeting. Whenever any  
 63 meeting required to be open to the public is to be held at a time or place other than at the  
 64 time and place prescribed for regular meetings, the agency shall give due notice thereof  
 65 ~~.'Due notice' shall be the~~ by posting of a written notice for at least 24 hours at the place of  
 66 regular meetings, posting notice on the agency's website if the agency maintains a website,  
 67 and giving of written or oral notice at least 24 hours in advance of the meeting to the legal  
 68 organ in which notices of sheriff's sales are published in the county where regular meetings  
 69 are held or at the option of the agency to a newspaper having a general circulation in said  
 70 county at least equal to that of the legal organ; provided, however, that in counties where  
 71 the legal organ is published less often than four times weekly, 'due notice' shall be the  
 72 posting of a written notice for at least 24 hours at the place of regular meetings, on the  
 73 agency's website if the agency maintains a website, and, upon written request from any  
 74 local broadcast or print media outlet whose place of business and physical facilities are  
 75 located in the county, notice by telephone or facsimile to that requesting media outlet at  
 76 least 24 hours in advance of the called meeting. When special circumstances occur and are  
 77 so declared by an agency, that agency may hold a meeting with less than 24 hours' notice  
 78 upon giving such notice of the meeting and subjects expected to be considered at the  
 79 meeting as is reasonable under the circumstances, including posting notice on the agency's  
 80 website if the agency maintains a website and notice to said county legal organ or a  
 81 newspaper having a general circulation in the county at least equal to that of the legal  
 82 organ; in which event, the reason for holding the meeting within 24 hours and the nature  
 83 of the notice shall be recorded in the minutes. Whenever notice is given to a legal organ or  
 84 other newspaper, that publication shall immediately make the information available upon  
 85 inquiry to any member of the public. Any oral notice required or permitted by this  
 86 subsection may be given by telephone.

87 (e)(1) Prior to any meeting, the agency holding such meeting shall make available an  
 88 agenda of all matters expected to come before the agency at such meeting. The agenda  
 89 shall be available upon request and shall be posted at the meeting site and on the agency's  
 90 website if the agency maintains a website, as far in advance of the meeting as reasonably  
 91 possible, but shall not be required to be available more than two weeks prior to the  
 92 meeting and shall be posted, at a minimum, at some time during the two-week period  
 93 immediately prior to the meeting. Failure to include on the agenda an item which  
 94 becomes necessary to address during the course of a meeting shall not preclude  
 95 considering and acting upon such item.

96 (2) A summary of the subjects acted on and those members present at a meeting of any  
 97 agency shall be written and made available to the public for inspection within two  
 98 business days of the adjournment of a meeting of any agency. In addition to any other

99 locations, the summary shall be posted on the agency's website if the agency maintains  
 100 a website. The minutes of a meeting of any agency shall be promptly recorded and such  
 101 records shall be open to public inspection, including through posting on the website of  
 102 the agency if the agency maintains a website, once officially approved ~~as official~~ by the  
 103 agency, ~~but in no case later than~~ immediately following the next regular meeting of the  
 104 agency, ~~provided, however, nothing contained in this chapter shall prohibit the earlier~~  
 105 ~~release of minutes, whether approved by the agency or not~~ or earlier at the agency's  
 106 discretion. Said minutes shall, as at a minimum, include the names of the members  
 107 present ~~at the meeting,~~ a description of each motion or other proposal made, and a record  
 108 of all votes. In the case of a roll-call vote, the name of each person voting for or against  
 109 a proposal shall be recorded ~~and in all other cases it.~~ It shall be presumed that the action  
 110 taken was approved by each person in attendance unless the minutes reflect the name of  
 111 the persons voting against the proposal or abstaining.

112 (f) An agency with state-wide jurisdiction shall be authorized to conduct meetings by  
 113 telecommunications conference, provided that any such meeting is conducted in  
 114 compliance with this chapter.

115 50-14-2.

116 Reserved.

117 ~~This chapter shall not be construed so as to repeal in any way:~~

118 ~~(1) The attorney-client privilege recognized by state law to the extent that a meeting~~  
 119 ~~otherwise required to be open to the public under this chapter may be closed in order to~~  
 120 ~~consult and meet with legal counsel pertaining to pending or potential litigation,~~  
 121 ~~settlement, claims, administrative proceedings, or other judicial actions brought or to be~~  
 122 ~~brought by or against the agency or any officer or employee or in which the agency or~~  
 123 ~~any officer or employee may be directly involved; provided, however, the meeting may~~  
 124 ~~not be closed for advice or consultation on whether to close a meeting; and~~

125 ~~(2) Those tax matters which are otherwise made confidential by state law.~~

126 50-14-3.

127 This chapter shall not apply to the following:

128 (1) Staff meetings held for investigative purposes under duties or responsibilities  
 129 imposed by law;

130 (2) The deliberations and voting of the State Board of Pardons and Paroles; and in  
 131 addition, said board may close a meeting held for the purpose of receiving information  
 132 or evidence for or against clemency or in revocation proceedings if it determines that the

- 133 receipt of such information or evidence in open meeting would present a substantial risk  
 134 of harm or injury to a witness;
- 135 (3) Meetings of the Georgia Bureau of Investigation or any other law enforcement  
 136 agency in ~~the~~ this state, including grand jury meetings;
- 137 (4) Meetings when any agency is discussing the future acquisition of real estate, except  
 138 that such meetings shall be subject to the requirements of this chapter for the giving of  
 139 ~~the~~ notice of such a meeting to the public and preparing the minutes of such a meeting;  
 140 provided, however, that the disclosure of such portions of the minutes as would identify  
 141 real estate to be acquired may be delayed until such time as the acquisition of the real  
 142 estate has been completed, terminated, or abandoned or court proceedings with respect  
 143 thereto initiated;
- 144 (5) Meetings of the governing authority of a public hospital or any committee thereof  
 145 when discussing the granting, ~~restriction, or revocation of staff privileges or the granting~~  
 146 of abortions under state or federal law;
- 147 (6) Meetings, including public school disciplinary hearings and peer reviews of health  
 148 care providers, when discussing or deliberating upon the appointment, employment,  
 149 compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of  
 150 a public officer or employee ~~but~~, except the meeting shall not be closed when receiving  
 151 evidence or hearing argument on charges filed to determine disciplinary action or  
 152 dismissal of a public officer or employee. The vote on any matter covered by this  
 153 paragraph shall be taken in public, and minutes of the meeting as provided in this chapter  
 154 shall be made available. Meetings by an agency to discuss or take action on the filling  
 155 of a vacancy in the membership of the agency itself shall at all times be open to the public  
 156 as provided in this chapter;
- 157 (7) Adoptions and proceedings related thereto;
- 158 (8) Meetings of the board of trustees or the investment committee of any public  
 159 retirement system created by Title 47 when such board or committee is discussing matters  
 160 pertaining to investment securities trading or investment portfolio positions and  
 161 composition; ~~and~~
- 162 (9) Meetings when discussing any records ~~that are~~ exempt from public inspection or  
 163 disclosure pursuant to ~~paragraph (15) of subsection (a) of Code Section 50-18-72~~, when  
 164 discussing any information a record of which would be exempt from public inspection  
 165 or disclosure under said ~~paragraph~~ Code section, or when reviewing or discussing any  
 166 security plan under consideration pursuant to ~~paragraph (10) of subsection (a) of Code~~  
 167 Section 15-16-10; and
- 168 (10) Court hearings involving delinquency, deprivation, or unruliness of juveniles,  
 169 except as provided in Code Section 15-11-78.

170 50-14-4.

171 ~~(a) When any meeting of an agency is closed to the public pursuant to any provision of this~~  
 172 ~~chapter, the specific reasons for such closure shall be entered upon the official minutes, the:~~

173 (1) The meeting shall not be closed to the public except by a majority vote of a quorum  
 174 present for the meeting, the:

175 (2) The specific reasons for the closure shall be entered upon the official minutes;

176 (3) The minutes shall reflect the names of the members present and the names of those  
 177 voting for closure, and that part of the minutes shall be made available to the public as  
 178 any other minutes; and

179 (4) The chairperson or other person presiding over such meeting shall execute and file  
 180 with the official minutes of the meeting a notarized affidavit stating under oath that the  
 181 subject matter of the meeting or the closed portion thereof was devoted to matters within  
 182 the exceptions provided by law and identifying the specific relevant exception.

183 Where a meeting of an agency is devoted in part to matters within the exceptions provided  
 184 by law, any portion of the meeting not subject to any such exception, privilege, or  
 185 confidentiality shall be open to the public, and the minutes of such portions not subject to  
 186 any such exception shall be taken, recorded, and open to public inspection as provided in  
 187 subsection (e) of Code Section 50-14-1.

188 ~~(b) When any meeting of an agency is closed to the public pursuant to subsection (a) of~~  
 189 ~~this Code section, the chairperson or other person presiding over such meeting shall~~  
 190 ~~execute and file with the official minutes of the meeting a notarized affidavit stating under~~  
 191 ~~oath that the subject matter of the meeting or the closed portion thereof was devoted to~~  
 192 ~~matters within the exceptions provided by law and identifying the specific relevant~~  
 193 ~~exception.~~

194 50-14-5.

195 (a) The superior courts of this state shall have jurisdiction to enforce compliance with the  
 196 provisions of this chapter, including the power to grant injunctions or other equitable relief.  
 197 In addition to any action that may be brought by any person, firm, corporation, or other  
 198 entity, the Attorney General shall have authority to bring enforcement actions, either civil  
 199 or criminal, in his or her discretion as may be appropriate to enforce compliance with this  
 200 chapter.

201 (b) In any action brought to enforce the provisions of this chapter in which the court  
 202 determines that an agency acted without substantial justification in not complying with this  
 203 chapter, the court shall, unless it finds that special circumstances exist, assess in favor of  
 204 the complaining party reasonable attorney's fees and other litigation costs reasonably

205 incurred. Whether the position of the complaining party was substantially justified shall  
 206 be determined on the basis of the record as a whole which is made in the proceeding for  
 207 which fees and other expenses are sought.

208 (c) Any agency or person who provides access to information in good faith reliance on the  
 209 requirements of this chapter shall not be liable in any action ~~on account of having provided~~  
 210 for providing access to such information.

211 50-14-6.

212 Any person knowingly and willfully conducting or participating in a meeting in violation  
 213 of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by  
 214 imprisonment for not more than 12 months or a fine not to exceed \$500.00 \$5,000.00 or  
 215 both."

216 **SECTION 2.**

217 Said title is further amended by repealing Article 4 of Chapter 18, relating to public access  
 218 to public records, and enacting a new Article 4 to read as follows:

219 "ARTICLE 4

220 50-18-70.

221 (a) As used in this article, the term 'public record' means all documents, papers, letters,  
 222 maps, books, tapes, photographs, computer based or generated information, or similar  
 223 material prepared and maintained or received in the course of the operation of a public  
 224 office or agency of the executive or judicial branches. Public record shall also mean such  
 225 items received or maintained by a private person or entity on behalf of a public office or  
 226 agency which are not otherwise subject to protection from disclosure; provided, however,  
 227 that this Code section shall be construed to disallow an agency from placing or causing  
 228 such items to be placed in the hands of a private person or entity for the purpose of  
 229 avoiding disclosure. Records received or maintained by a private person, firm, corporation,  
 230 or other private entity in the performance of a service or function for or on behalf of an  
 231 agency, a public agency, or a public office shall be subject to disclosure to the same extent  
 232 that such records would be subject to disclosure if received or maintained by such agency,  
 233 public agency, or public office. As used in this article, the term 'agency' or 'public agency'  
 234 or 'public office' shall have the same meaning and application as provided for in the  
 235 definition of the term 'agency' in paragraph (1) of subsection (a) of Code Section 50-14-1  
 236 and shall additionally include any association, corporation, or other similar organization  
 237 which: (1) has a membership or ownership body composed primarily of counties,

238 municipal corporations, or school districts of this state or their officers or any combination  
239 thereof; and (2) derives a substantial portion of its general operating budget from payments  
240 from such political subdivisions.

241 (b) All public records of an agency, except those which by order of a court of this state or  
242 by law are prohibited or specifically exempted from being open to inspection by the  
243 general public, shall be open for a personal inspection by any person at a reasonable time  
244 and place; and those in charge of such records shall not refuse this privilege to any person.

245 (c) Any computerized index of a county's real estate deed records shall be printed for  
246 purposes of public inspection no less than every 30 days, and any correction made on such  
247 index shall be made a part of the printout and shall reflect the time and date that said index  
248 was corrected.

249 (d) Every agency shall prepare and update at least annually a list of all available records  
250 or reports prepared and maintained or received in the course of the operation of the agency.  
251 Such list shall include the format of each record or report and indicate the retention period  
252 of the information. No public officer or agency shall be required to prepare reports,  
253 summaries, or compilations not in existence at the time of the request.

254 (e) In a pending proceeding under Chapter 13 of this title, the 'Georgia Administrative  
255 Procedure Act,' or under any other administrative proceeding authorized under Georgia  
256 law, a party to the administrative proceeding may access public records pertaining to that  
257 proceeding unless access to those records is specifically exempted, but only with the  
258 permission of the administrative law judge presiding over that proceeding.

259 (f) The agency or person in control of such public record or records shall respond to the  
260 requestor within not more than three business days after the request. Where requested  
261 records exist but are not available within three business days of the request, a written  
262 description of such records and the reason for their unavailability, together with a timetable  
263 for their inspection and copying, shall be provided within three business days. Records  
264 exempt from inspection under this article need not be made available for inspection and  
265 copying or described other than as required by paragraph (5) of subsection (g) of this Code  
266 section, and no records need be made available for inspection or copying if the public  
267 officer or agency in control of such records shall have obtained, within that period of three  
268 business days, an order based on an exception in this article of a superior court of this state  
269 staying or refusing the requested access to such records. No records shall be produced until  
270 the fee or estimated fee has been approved by the requestor.

271 (g) The agency or person in charge of such public records shall respond in writing to the  
272 requestor within three business days with the following:

273 (1) Description of such requested records;

274 (2) Timetable for inspection and copying of requested records;

275 (3) Fees charged to provide requested information required by Code Section 50-18-71,  
 276 including reasonable estimates of fees if fees cannot be immediately calculated;

277 (4) Any reasons the requested records may not be available within three business days;  
 278 and

279 (5) Citation to any statutory or court ordered exemptions to access to the records. If  
 280 access to such record or records is denied in whole or in part, the citation shall specify in  
 281 writing the specific legal authority exempting such record or records from disclosure by  
 282 Code section, subsection, and paragraph. No addition to or amendment of such  
 283 designation shall be permitted thereafter or in any proceeding to enforce the terms of this  
 284 article; provided, however, that:

285 (A) Such designation may be amended or supplemented one time within five days of  
 286 discovery of an error in such designation or within five days of the institution of an  
 287 action to enforce this article, whichever is sooner; and

288 (B) The right to amend or supplement based upon discovery of an error may be  
 289 exercised on only one occasion.

290 In the event that such designation includes provisions not relevant to the subject matter  
 291 of the request, costs and reasonable attorney fees may be awarded pursuant to Code  
 292 Section 50-18-73.

293 (h) At the request of the person requesting such records, records maintained by computer  
 294 shall be made available where practicable by electronic means, including Internet access,  
 295 subject to reasonable security restrictions preventing access to nonrequested or unavailable  
 296 records. A reasonable effort shall be made to provide the information in a readable format.

297 (i) Any person who deliberately and willfully denies the public access to public records  
 298 that are accessible under the laws of this state shall be guilty of a misdemeanor and upon  
 299 conviction shall be punished by a fine of up to \$5,000.00 per violation and imprisonment  
 300 for not more than 12 months or both. Any person who deliberately and willfully obtains  
 301 confidential information to which he or she is not entitled or who deliberately and willfully  
 302 violates the laws of this state by divulging information which is made confidential by law  
 303 and which is excepted from disclosure under this article shall:

304 (1) Be guilty of a misdemeanor and upon conviction shall be punished by a fine of up to  
 305 \$5,000.00 per violation and imprisonment for not more than 12 months or both; and

306 (2) Be personally liable for damages to any person or entity that result from disclosure  
 307 of that confidential information.

308 50-18-71.

309 (a) When a person has a right to inspect or take extracts or make copies from any public  
 310 records, such person shall have the right of access to the records for the purpose of making

311 photographs or reproductions of the same while in the possession, custody, and control of  
312 the lawful custodian thereof or his or her authorized deputy. Such work shall be done  
313 under the supervision of the lawful custodian of the records, who shall have the right to  
314 adopt and enforce reasonable rules governing the work, and shall be done in the room  
315 where the records, documents, or instruments are kept by law.

316 (b) Where fees for certified copies or other copies or records are specifically authorized  
317 or otherwise prescribed by law, such specific fee shall apply.

318 (c) Where no fee is otherwise provided by law, the agency may charge and collect a  
319 uniform copying fee not to exceed 25¢ per page and a fee for supervision of copying of not  
320 more than \$10.00 per hour.

321 (d) In addition, a reasonable hourly charge may be collected for search, retrieval, and other  
322 direct administrative costs for complying with a request under this article. The charge shall  
323 not exceed the hourly salary of the lowest paid full-time employee who, in the discretion  
324 of the custodian of the records, has the necessary skill and training to perform the request;  
325 provided, however, that no charge shall be made for the first quarter hour.

326 (e) An agency shall utilize the most economical means available for providing copies of  
327 public records.

328 (f) Where information requested is maintained by computer, an agency may charge the  
329 public its actual cost of a computer disk or tape onto which the information is transferred  
330 and may charge for the administrative time involved as set forth in subsection (d) of this  
331 Code section.

332 (g) Whenever any person has requested one or more copies of a public record and such  
333 person does not pay the copying charges and charges for search, retrieval, or other direct  
334 administrative costs in accordance with the provisions of this Code section, the entity  
335 producing such record is authorized to collect such charges in any manner authorized by  
336 law for the collection of taxes, fees, or assessments owed to that entity. This subsection  
337 shall apply regardless of whether the person requesting the copies has appeared to receive  
338 the copies.

339 (h) Any cost or expense of determining what records or parts of records shall be produced  
340 shall be borne by the agency in charge of the records.

341 50-18-71.1.

342 (a) Notwithstanding any other provision of this article, an exhibit tendered to the court as  
343 evidence in a criminal or civil trial shall not be open to public inspection without approval  
344 of the judge assigned to the case or, if no judge has been assigned, approval of the chief  
345 judge or, if no judge has been designated chief judge, approval of the judge most senior in  
346 length of service on the court.

347 (b) In the event inspection is not approved by the court, in lieu of inspection of such an  
348 exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the  
349 following representations of the exhibit:

350 (1) A photograph;

351 (2) A photocopy;

352 (3) A facsimile; or

353 (4) Another reproduction.

354 (c) The provisions of Code Section 50-18-71 shall apply to fees, costs, and charges for  
355 providing a photocopy of such an exhibit. Fees for providing a photograph, facsimile, or  
356 other reproduction of such an exhibit shall not exceed the cost of materials or supplies and  
357 a reasonable charge for time spent producing such photograph, facsimile, or other  
358 reproduction, in accordance with Code Section 50-18-71.

359 50-18-72.

360 (a) Public disclosure shall not be required for records that are within any of the following  
361 described categories:

362 (1) Federal requirements: records specifically required by federal statute or regulation  
363 to be kept confidential;

364 (2) Trade secrets described as follows:

365 (A) Any information required to be submitted to or received by the state or a state  
366 agency or at any hearing other than a court hearing that constitutes a trade secret as  
367 defined in Code Section 10-1-761; nonpublic and proprietary contents, processes, or  
368 methods of manufacture; sources of materials by entities other than public agencies;  
369 financial information that is not otherwise made public; security measures or systems;  
370 or other proprietary information, including proprietary information used in  
371 promulgating insurance rates or rating systems, except that information of a regulatory  
372 nature may be exchanged with officials of the United States government or the  
373 governments of other states when such officials are similarly prohibited by law from  
374 revealing this information; and

375 (B) Any information of a proprietary nature produced or collected by or for faculty or  
376 staff of state institutions of higher learning or other governmental agencies in the  
377 conduct of or as a result of study or research on commercial, scientific, technical, or  
378 scholarly issues where such information has not been publicly released, published,  
379 copyrighted, or patented;

380 (3) Medical and veterinary information described as follows:

381 (A) All medical records and testimony or evidence related to health, hospitalization,  
382 medications, or treatments of individuals, including, but not limited to, records of

383 treatment at any hospital or rehabilitation facility, mental health or counseling records,  
384 mental retardation records, alcohol and drug treatment records, all medical tests ordered  
385 and the results of those tests, vaccination records, and information about infectious or  
386 communicable diseases of deceased persons, except as ordered by a court of competent  
387 jurisdiction or otherwise permitted by law; and

388 (B) The identity of any complainant about mental health services, mental health service  
389 recipient on whose behalf a complaint is made, or individual providing information on  
390 behalf of those persons relevant to an investigation of mental health services, except  
391 with the express permission of the person whose identity is disclosed or in a court  
392 proceeding regarding the complaint for the purpose of that proceeding;

393 (4) Banking and financial records described as follows:

394 (A) Records of the Department of Banking and Finance, including records provided  
395 by banking regulatory authorities of other states, except those records to which the  
396 department may provide by rule, regulation, or order for public access when:

397 (i) In the opinion of the commissioner of banking and finance, the records do not  
398 contain nonpublic and proprietary information, and the public would benefit from  
399 disclosure of the records; and

400 (ii) The records are not subject to a nondisclosure agreement with another state.

401 Disclosures of records subject to this subparagraph may be made to other entities as  
402 provided in Code Section 7-1-70;

403 (B) Records maintained by any public retirement system connected to its confidential,  
404 proprietary financial transactions, including funds transfer instructions or access codes,  
405 account numbers, proprietary computer software, business, personal, or financial  
406 information concerning other parties, investment advice, exhibits to board or committee  
407 meetings that contain securities trading information, securities trade tickets,  
408 confirmations, and other records pertaining to securities trades, records containing  
409 proposed terms of sale for real property, information relating to investment portfolio  
410 composition and positions, and board and board committee minutes, except as provided  
411 in Code Section 47-1-14; and

412 (C) The following records of the Office of Treasury and Fiscal Services, or portions  
413 thereof, except as provided in Code Section 50-5A-11: participant account balances; all  
414 instructions related to the transfers of funds; account analysis statements received or  
415 prepared by the staff of the Office of Treasury and Fiscal Services; all bank account  
416 numbers and any record or document containing such numbers; all proprietary  
417 computer software, security codes, and procedures related to physical, electronic, or  
418 other access to the Office of Treasury and Fiscal Services, its systems, or its proprietary  
419 software; local government investment pool resolutions pertaining to opening and

420 maintaining bank accounts; investment trade tickets; bank statements; and bank fee  
421 payment schedules;

422 (5) Hazardous waste: information about hazardous waste, including transport and  
423 storage, that would pose a security risk in the opinion of the Department of Natural  
424 Resources;

425 (6) Military records: military discharge records, including DD 214 records, until 50 years  
426 after the discharge, except as provided in Code Section 15-6-72;

427 (7) Court records and orders described as follows:

428 (A) Any will filed with a probate court, prior to the death of the testator, except as  
429 provided in Code Section 15-9-38;

430 (B) Any records of any juvenile court proceeding or any court proceeding or  
431 administrative hearing involving a minor child, including any records collected or  
432 maintained to assess a minor who comes before the courts of this state, and any case  
433 plans, orders, records, and correspondence related thereto, except as otherwise provided  
434 by law;

435 (C) Adoption records, except as provided in Code Section 19-8-23; and

436 (D) Records of the deliberations of a grand jury, except as provided in Code Section  
437 15-12-72;

438 (8) Law enforcement, penal system, and emergency response records described as  
439 follows:

440 (A) Except as otherwise provided by law, records compiled for law enforcement or  
441 prosecution purposes to the extent that production of such records would disclose the  
442 identity of a confidential source, disclose confidential investigative or prosecution  
443 material which would endanger the life or physical safety of any person or persons, or  
444 disclose the existence of a confidential surveillance or investigation;

445 (B) Records of law enforcement, prosecution, or regulatory agencies in any pending  
446 investigation or prosecution of criminal or unlawful activity, other than initial police  
447 arrest reports and initial incident reports; provided, however, that an investigation or  
448 prosecution shall no longer be deemed to be pending when all direct litigation involving  
449 said investigation and prosecution has become final or otherwise terminated through  
450 prolonged inactivity;

451 (C) Any records in the custody of law enforcement, the Department of Corrections, or  
452 any state agency or department involving a juvenile, including photographs and  
453 fingerprints, except as otherwise provided by law;

454 (D) Reports of child abuse, including child neglect, to a law enforcement agency,  
455 except as provided in Code Section 19-7-5; any records of child abuse or abuse by a  
456 child of a controlled substance, except as provided in Code Sections 49-5-41 and

457 49-5-41.1; and information in the child abuse registry, except as provided in Code  
458 Section 49-5-186;  
459 (E) Contents of any communications intercepted by law enforcement without a  
460 warrant, except as provided in Code Section 16-11-64.3;  
461 (F) Records reflecting on the loyalty of any resident of Georgia maintained under the  
462 'Sedition and Subversive Activities Act of 1953,' Part 2 of Article 1 of Chapter 11 of  
463 Title 16, except as provided by Code Section 16-11-9;  
464 (G) All records related to delinquent or unruly children, except as provided in Code  
465 Section 49-4A-8;  
466 (H) Family violence reports prepared by law enforcement, except that anyone accused  
467 of family violence and anyone complaining of family violence or his or her attorney,  
468 in addition to other persons as provided in Code Section 17-4-20.1, may obtain copies  
469 of police reports regardless of whether an arrest was made;  
470 (I) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the  
471 submission of a written statement of need by the requesting party; provided, however,  
472 that any person or entity whose name or identifying information is contained in a  
473 Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or  
474 through a lawyer or other representative, to receive a copy of such report; and provided,  
475 further, that Georgia Uniform Motor Vehicle Accident Reports shall not be available  
476 in bulk for inspection or copying by any party. No party other than law enforcement,  
477 the press, or a prosecutor may copy more than one accident report in any 24 hour period  
478 unless such party or a vehicle belonging to such party's company was involved in more  
479 than one accident, such party is the attorney for parties involved in more than one  
480 accident and can provide written evidence of such party's engagement, or such party  
481 represents an insurance company that insured parties involved in more than one  
482 accident. For the purposes of this subparagraph, the term 'need' means that the natural  
483 person or legal entity who is requesting in person or by representative to inspect or copy  
484 the Georgia Uniform Motor Vehicle Accident Report:  
485 (i) Has a personal, professional, or business connection with a party to the accident;  
486 (ii) Owns or leases an interest in property allegedly or actually damaged in the  
487 accident;  
488 (iii) Was allegedly or actually injured by the accident;  
489 (iv) Was a witness to the accident;  
490 (v) Is the actual or alleged insurer of a party to the accident or of property actually  
491 or allegedly damaged by the accident;  
492 (vi) Is a prosecutor or a publicly employed law enforcement officer;  
493 (vii) Is alleged to be liable to another party as a result of the accident;

494 (viii) Is an attorney stating that he or she needs the requested reports as part of a  
495 criminal case or an investigation of a potential claim involving contentions that a  
496 roadway, railroad crossing, or intersection is unsafe;  
497 (ix) Is gathering information as a representative of a news media organization;  
498 (x) Is conducting research in the public interest for such purposes as accident  
499 prevention, prevention of injuries or damages in accidents, determination of fault in  
500 an accident or accidents, or other similar purposes; provided, however, that this  
501 division shall apply only to accident reports on accidents that occurred more than 30  
502 days prior to the request and which shall have the name, street address, telephone  
503 number, and driver's license number redacted; or  
504 (xi) Is a governmental official, entity, or agency, or an authorized agent thereof,  
505 requesting reports for the purpose of carrying out governmental functions or  
506 legitimate governmental duties;  
507 (J) Information about crime victims maintained by penal institutions and information  
508 about rape victims and victims of assaults with the intent to commit rape, except as  
509 provided in Code Section 16-6-23, except that the victim may access that information;  
510 (K) Information supplied by inmates to the Department of Corrections in confidence  
511 to remedy abuses and wrongdoing in the penal system;  
512 (L) Investigation reports and intelligence data prepared by the Internal Investigations  
513 Unit of the Department of Corrections, except that said reports and data shall be  
514 accessible by the Georgia Bureau of Investigation and the Attorney General who shall  
515 hold those records in confidence and not make them available to the public but shall use  
516 them for their own investigative and prosecutorial purposes until the investigation or  
517 prosecution is complete;  
518 (M) Institutional inmate files and central office inmate files maintained by the  
519 Department of Corrections, but said files shall be available to inmates, former inmates,  
520 their estates, agents, and attorneys or otherwise as permitted by Code Section 42-5-36;  
521 (N) Reports, files, records, and papers of whatever kind regarding individual  
522 probationers who are supervised by a private entity contracting with a government  
523 entity or supervised by a government agency, which records shall only be available to  
524 the supervised individual to whom they apply or his or her agent, attorney, or estate, the  
525 affected county, municipality, or consolidated government, the judge handling a  
526 particular case, the Department of Audits and Accounts, or the Advisory Council for  
527 Probation or its designee;  
528 (O) All information, both oral and written, received by members of the State Board of  
529 Pardons and Paroles in the performance of their duties, except as provided in Code  
530 Section 42-9-53; provided, however, that information and documents received by the

531 board shall be available to any person who is the subject of a parole hearing and to  
532 whose hearing those documents or information are relevant, his or her agent, attorney,  
533 or estate, except to the extent that in the reasonable opinion of the board, providing that  
534 information or documentation would jeopardize the personal safety of the person  
535 providing that information or documentation to the board;

536 (P) Records of arrests, charges, and sentences for crimes relating to first offenders  
537 pursuant to Article 3 of Chapter 8 of Title 42 in cases where offenders have been  
538 exonerated and discharged without court adjudications of guilt, except as specifically  
539 authorized by Code Section 35-3-34.1 or other law;

540 (Q) Unless the request is made by the accused in a criminal case or by his or her  
541 attorney, public records of an emergency 9-1-1 system containing information which  
542 would reveal the name, address, or telephone number of a person placing a call to a  
543 public safety answering point, which information may be redacted from such records  
544 if necessary to prevent the disclosure of the identity of a confidential source, to prevent  
545 disclosure of material which would endanger the life or physical safety of any person  
546 or persons, or to prevent the disclosure of the existence of a confidential surveillance  
547 or investigation. The person placing a 9-1-1 call or his or her agent or attorney may  
548 request and receive a recording or other record of the call that such person placed;

549 (9) Employment records described as follows:

550 (A) Confidential evaluations submitted to a governmental agency and prepared or used  
551 in connection with the appointment or hiring of a public officer or employee until 30  
552 days after the position is filled or a decision is made not to fill the position; and records  
553 consisting of material obtained in investigations related to the suspension, firing, or  
554 investigation of complaints against public officers or employees until ten days after the  
555 same has been presented to the agency or an officer for action or the investigation is  
556 otherwise concluded or terminated or 180 days after the last formal action has been  
557 taken in furtherance of the investigation, whichever first occurs, provided that this  
558 subparagraph shall not be interpreted to make such investigatory records privileged;

559 (B) Those portions of records which would identify persons applying for or under  
560 consideration for employment or appointment as executive head of an agency as that  
561 term is defined in paragraph (1) of subsection (a) of Code Section 50-14-1 or of a unit  
562 of the University System of Georgia; provided, however, that at least 14 calendar days  
563 prior to the meeting at which final action or vote is to be taken on the position, the  
564 agency shall release all documents which came into its possession with respect to all  
565 persons under consideration by such agency to fill the position. Prior to the release of  
566 these documents, an agency may allow a person to decline being considered further for  
567 the position rather than have documents pertaining to such person released. Upon

568 request, the hiring agency shall furnish the number of applicants and the composition  
 569 of the list by such factors as race and sex. The agency shall not be allowed to avoid the  
 570 provisions of this subparagraph by the employment of a private person or agency to  
 571 assist with the search or application process;

572 (C) Information or records maintained by the Department of Labor concerning an  
 573 individual, except such records shall be released to said individual or his or her estate,  
 574 attorney, or agent or otherwise be made available in accordance with Code Section  
 575 34-8-121;

576 (D) Records of the Workers' Compensation Board containing information about  
 577 settlements of claims and names of individuals filing claims, except as provided in  
 578 Code Section 34-9-12;

579 (E) Accident reports filed by employers with the Department of Labor;

580 (F) Benefits selections, salary reductions, or deductions of public employees and  
 581 officers, except as provided in Code Sections 45-18-36 and 45-18-53; and

582 (G) Information received in merit counseling sessions or related functions for public  
 583 employees and officers, except as provided in Code Section 45-20-15;

584 (10) Property acquisition and improvement records as follows:

585 (A) Real estate appraisals, engineering, or feasibility estimates or other records made  
 586 for or by the state or a local agency relative to the acquisition of real property until such  
 587 time as a purchase and sale contract has been executed by the seller or the proposed  
 588 transaction has been terminated or abandoned; and

589 (B) All engineers' cost estimates and pending, rejected, or deferred bids or proposals  
 590 until such time as the final award of the contract is made or the project is terminated or  
 591 abandoned;

592 (11) Historical records and historic sites records described as follows:

593 (A) Records that are of historical research value which are given or sold to public  
 594 archival institutions, public libraries, or libraries of a unit of the Board of Regents of  
 595 the University System of Georgia when the owner or donor of such records wishes to  
 596 place restrictions on access to the records. No restriction on access, however, may  
 597 extend more than 75 years from the date of donation or sale. This exemption shall not  
 598 apply to any records prepared in the course of the operation of state or local  
 599 governments of the State of Georgia; and

600 (B) Records that contain information from the Department of Natural Resources'  
 601 inventory and register relating to the location and character of a historic property or of  
 602 historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2  
 603 if the Department of Natural Resources through its Division of Historic Preservation  
 604 determines that disclosure will create a substantial risk of harm, theft, or destruction to

605 the property or properties or the area or place where the property or properties are  
606 located;

607 (12) Agricultural or food system information described as follows:

608 (A) Records, data, or information that are considered by the Georgia Department of  
609 Agriculture to be a part of the critical infrastructure, provided that nothing in this  
610 subparagraph shall prevent the release of such records, data, or information to another  
611 state or federal agency if the release of such records, data, or information is necessary  
612 to prevent or control disease or to protect public health, safety, or welfare. As used in  
613 this subparagraph, the term 'critical infrastructure' shall have the same meaning as in  
614 42 U.S.C. Section 5195c(e). Such records, data, or information shall be subject to  
615 disclosure only upon the order of a court of competent jurisdiction; and

616 (B) Records that contain site specific information regarding the occurrence of rare  
617 species of plants or animals or the location of sensitive natural habitats on public or  
618 private property if the Department of Natural Resources determines that disclosure will  
619 create a substantial risk of harm, theft, or destruction to the species or habitats or the  
620 area or place where the species or habitats are located; provided, however, that the  
621 owner or owners of private property upon which rare species of plants or animals occur  
622 or upon which sensitive natural habitats are located shall be entitled to such information  
623 pursuant to this article;

624 (13) Personal information described as follows:

625 (A) Records that would reveal the names, home addresses, telephone numbers, security  
626 codes, or any other data or information developed, collected, or received by counties  
627 or municipalities in connection with the installation, servicing, maintaining, operating,  
628 selling, or leasing of burglar alarm systems, fire alarm systems, or other electronic  
629 security systems; provided, however, that initial police reports and initial incident  
630 reports shall remain subject to disclosure;

631 (B) An individual's home address, e-mail address, telephone number, social security  
632 number, mother's birth name, credit card information, debit card information, bank  
633 account information, identification of immediate family members or dependents,  
634 security codes, employer, employment address and telephone number, financial data  
635 or information other than salary or payroll information for employees of government  
636 or government agencies, and insurance or medical information in all records, and if  
637 technically feasible at reasonable cost, day and month of birth, which shall be redacted  
638 prior to disclosure of any record requested pursuant to this article subject to the  
639 following exception and conditions:

640 (i) Social security numbers and day and month of birth shall not be redacted from  
641 such records if the person requesting such records requests such information in a

642 writing signed under oath by such person which states that such person is gathering  
643 information as a representative of a news media organization for use in connection  
644 with news gathering and reporting;

645 (ii) The news media organization exception for access to social security numbers and  
646 day and month of birth in division (i) of this subparagraph shall not apply to teachers,  
647 employees of a public school, or public employees. For purposes of this division, the  
648 term 'public employee' means any nonelected employee of the State of Georgia or its  
649 governmental and quasi-governmental entities or any political subdivision or its  
650 governmental and quasi-governmental entities;

651 (iii) Any person signing an affidavit as provided in this subparagraph shall be  
652 personally liable for any misrepresentations in that affidavit or any misuse of  
653 information provided in response to that affidavit and shall be subject to penalties as  
654 set forth in subsection (i) of Code Section 50-18-70; and

655 (iv) This subparagraph shall supplement and shall not supplant, overrule, replace, or  
656 otherwise modify or supersede any provision of statute, regulation, or law of the  
657 federal government or of this state as now or hereafter amended or enacted requiring,  
658 restricting, or prohibiting access to the information identified in this subparagraph and  
659 shall constitute only a regulation of the methods of such access where not otherwise  
660 provided for, restricted, or prohibited;

661 (C) Records of the State Road and Tollway Authority or any transit system which  
662 would reveal the travel history of any individual who is a motorist upon such toll  
663 project or is a passenger on such transit system;

664 (D) Records of athletic or recreational programs available through the state or a  
665 political subdivision of the state that include information identifying a child or children  
666 12 years of age or under by name, address, telephone number, or emergency contact,  
667 unless such identifying information has been redacted;

668 (E) The identities or personally identifiable information of all participants in research  
669 on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by  
670 the Department of Human Resources or a state institution of higher education whether  
671 sponsored by the institution alone or in conjunction with a governmental body or  
672 private entity, except that any person who was such a participant or his or her executor,  
673 agent, attorney, or other representative shall have the right to all information about his  
674 or her participation. For purposes of this subparagraph, the term 'personally identifiable  
675 information' means any information which if disclosed might reasonably reveal the  
676 identity of such person, including, but not limited to, the person's name, address, and  
677 social security number;

678 (F) Information on victims of identity theft maintained by the Governor's Office of  
 679 Consumer Affairs related to complaints regarding identity fraud, except as provided in  
 680 Code Section 16-9-123;

681 (G) Information about participation in research trials as described in Code Section  
 682 24-9-40.2, except as permitted in that statute;

683 (H) Insurance records regarding family violence, except as permitted in paragraph (15)  
 684 of subsection (b) of Code Section 33-6-4;

685 (I) Motor vehicle registration records maintained by the state and motor vehicle records  
 686 maintained by county tag offices, except as provided in Code Sections 40-2-130 and  
 687 40-3-23;

688 (J) Individual driver's license and permit records maintained by the state, except as  
 689 provided in Code Section 40-5-2;

690 (K) The amount of income or any particulars set forth or disclosed in any report or  
 691 return required under the laws of this state or any return or return information required  
 692 by the Internal Revenue Code when the information or return is received from the  
 693 Internal Revenue Service or submitted by the taxpayer, except as provided in Code  
 694 Sections 48-7-60 and 48-7-170;

695 (L) Information on gross receipts provided to a local government for determination of  
 696 occupation tax except as provided by Code Section 48-13-15; and

697 (M) Any application submitted to or any permanent records maintained by a judge of  
 698 the probate court pursuant to Code Section 16-11-129, relating to licenses to carry  
 699 pistols or revolvers, or pursuant to any other requirement for maintaining records  
 700 relative to the possession of firearms. This subparagraph shall not preclude law  
 701 enforcement agencies from obtaining records relating to licensing and possession of  
 702 firearms as provided by law;

703 (14) Security records described as follows:

704 (A) Records the disclosure of which would compromise security against sabotage or  
 705 criminal or terrorist acts and the nondisclosure of which is necessary for the protection  
 706 of life, safety, or public property, which shall be limited to the following:

707 (i) Security plans and vulnerability assessments for any public utility, technology  
 708 infrastructure, building, facility, function, or activity in effect at the time of the  
 709 request for disclosure or pertaining to a plan or assessment in effect at such time;

710 (ii) Any plan for protection against terrorist or other attacks, which plan depends for  
 711 its effectiveness in whole or in part upon a lack of general public knowledge of its  
 712 details;

713 (iii) Any document relating to the existence, nature, location, or function of security  
 714 devices designed to protect against terrorist or other attacks, which devices depend  
 715 for their effectiveness in whole or in part upon a lack of general public knowledge;  
 716 (iv) Any plan, blueprint, or other material which if made public could compromise  
 717 security against sabotage, criminal, or terroristic acts; and  
 718 (v) Records, data, or information collected, recorded, or otherwise obtained that is  
 719 deemed confidential by the Georgia Department of Agriculture for the purposes of the  
 720 national animal identification system, provided that nothing in this division shall  
 721 prevent the release of such records, data, or information to another state or federal  
 722 agency if the release of such records, data, or information is necessary to prevent or  
 723 control disease or to protect public health, safety, or welfare. As used in this division,  
 724 the term 'national animal identification program' means a national program intended  
 725 to identify animals and track them as they come into contact with or commingle with  
 726 animals other than herdsmates from their premises of origin. Such records, data, or  
 727 information shall be subject to disclosure only upon the order of a court of competent  
 728 jurisdiction

729 In the event of litigation challenging nondisclosure pursuant to this subparagraph by an  
 730 agency of a document covered by this paragraph, the court may review the documents  
 731 in question in camera and may condition, in writing, any disclosure upon such measures  
 732 as the court may find to be necessary to protect against endangerment of life, safety, or  
 733 public property. As used in division (i) of this subparagraph, the term 'activity' means  
 734 deployment or surveillance strategies, actions mandated by changes in the federal threat  
 735 level, motorcades, contingency plans, proposed or alternative motorcade routes,  
 736 executive and dignitary protection, planned responses to criminal or terrorist actions,  
 737 after-action reports still in use, proposed or actual plans and responses to bioterrorism,  
 738 and proposed or actual plans and responses to requesting and receiving the National  
 739 Pharmacy Stockpile; and

740 (B) Data collected by the Department of Community Health about diseases, injuries,  
 741 and conditions that the department has declared require notice, except that information  
 742 regarding these diseases, injuries, and conditions may be released by the department in  
 743 statistical form or for valid research purposes;

744 (15) Education records described as follows; provided, however, that this paragraph shall  
 745 not be interpreted by any court of law to include or otherwise exempt from inspection the  
 746 records of any athletic association or other nonprofit entity promoting intercollegiate  
 747 athletics;

748 (A) School attendance records that identify students by name, except as provided in  
 749 Code Section 20-2-697;

- 750 (B) The names of any minors involved in public school disciplinary hearings;  
751 (C) Records maintained by public postsecondary educational institutions in this state  
752 and associated foundations of such institutions that contain personal information  
753 concerning donors or potential donors to such institutions or foundations; provided,  
754 however, that the name of any donor and the amount of donation made by such donor  
755 shall be subject to disclosure if such donor or any entity in which such donor has a  
756 substantial interest transacts business with the public postsecondary educational  
757 institution to which the donation is made within three years of the date of such  
758 donation. As used in this subparagraph, the term 'transact business' means to sell or  
759 lease any personal property, real property, or services on behalf of oneself or on behalf  
760 of any third party as an agent, broker, dealer, or representative in an amount in excess  
761 of \$10,000.00 in the aggregate in a calendar year. This shall include any business  
762 transacted through an agent or any other third party and business conducted through or  
763 by a subsidiary or affiliate, all of which shall be considered as part of the aggregate  
764 business conducted. As used in this subparagraph, the term 'substantial interest' means  
765 the direct or indirect ownership of more than 25 percent of the assets or stock of an  
766 entity and any partnership interest whether general or limited;  
767 (D) Any data, records, or information developed, collected, or received by or on behalf  
768 of faculty, staff, employees, or students of an institution of higher education or any  
769 public or private entity supporting or participating in the activities of an institution of  
770 higher education in the conduct of, or as a result of, study or research on medical,  
771 scientific, technical, scholarly, or artistic issues, until such information is published,  
772 patented, otherwise publicly disseminated, or otherwise released. This subparagraph  
773 applies to, but is not limited to, information provided by participants in research,  
774 research notes and data, discoveries, research projects, methodologies, protocols, and  
775 creative works; and  
776 (E) Unless otherwise provided by law, contract, bid, or proposal, records consisting of  
777 questions, scoring keys, and other materials constituting a test that derives value from  
778 being unknown to the test taker prior to administration, which is to be administered by  
779 the State Board of Education, the Office of Student Achievement, or a local school  
780 system, if reasonable measures are taken by the owner of the test to protect security and  
781 confidentiality; provided, however, that the State Board of Education may establish  
782 procedures whereby a person may view, but not copy, such records if viewing will not,  
783 in the judgment of the board, affect the result of administration of such test;  
784 (16) Records of activities of government entities described as follows:  
785 (A) Documents or information pertaining to requests for or giving of legal advice to  
786 local government entities or disclosure of reports or evaluations of persons, including

787 adjusters, assigned to evaluate and adjust claims concerning or pertaining to pending  
 788 or potential litigation, settlement, claims, administrative proceedings, or judicial actions  
 789 brought or to be brought by or against a local government entity, until final disposition  
 790 of claims to which they apply;

791 (B) State audit work papers and preliminary draft reports, except as provided under  
 792 Code Section 50-6-9;

793 (C) Records of legislative staff agencies described as follows, provided that the  
 794 specific statement of privileges in this subparagraph shall not be construed to imply that  
 795 other records of the legislative branch or its members are subject to this article:

796 (i) Communications between the Office of Legislative Counsel and members of the  
 797 General Assembly, the Lieutenant Governor, and persons acting on their behalf and  
 798 communications, records, and work product related to such communications. Such  
 799 communications shall not be subject to disclosure under this or any other law or under  
 800 judicial process. The protection provided in this division shall be in addition to  
 801 protection provided by any other constitutional, statutory, or common law privilege;  
 802 and

803 (ii) Records related to the provision of staff services to individual members of the  
 804 General Assembly by the Legislative and Congressional Reapportionment Office or  
 805 other legislative staff offices, provided that records related to the provision of staff  
 806 services to any committee or subcommittee or records which are or have been  
 807 previously publicly disclosed by or pursuant to the direction of an individual member  
 808 of the General Assembly shall be provided to the public on request in such manner  
 809 as shall be established by each such staff office but shall not be subject to this article;

810 (D) Information from the Georgia Lottery Commission related to trade secrets,  
 811 confidential and proprietary security measures, systems, procedures, or reports and  
 812 information about the contents of prizewinner records or information, except as  
 813 provided in Code Section 50-27-54;

814 (17) Insurance records described as follows:

815 (A) Information obtained from an insurance company by a fire marshal, his or her  
 816 deputy, a fire chief, or the Georgia Bureau of Investigation regarding the insurance  
 817 company's investigation of a fire, except as permitted by Code Section 25-2-33;

818 (B) Information including papers, documents, reports, or other evidence collected by  
 819 the Insurance Commissioner as part of an insurance rate investigation, except as set  
 820 forth in Code Section 33-1-16;

821 (C) Insurance investigation reports, until the investigation has concluded or  
 822 prosecution has concluded, whichever first occurs, except as provided in 33-2-14; and

823 (D) Insurance investigation reports made by the Commissioner of Insurance in  
824 accordance with Code Section 33-2-14, except as provided in that statute; and  
825 (18) Other records described as follows:  
826 (A) Information maintained in a state data base regarding child support obligors,  
827 except as provided in Code Section 19-11-30.4;  
828 (B) Information obtained from a domestic violence registry, except as otherwise  
829 authorized by law;  
830 (C) Records of a child abuse review committee or protocol committee as set forth in  
831 Code Section 19-15-6, except as set forth in that statute;  
832 (D) Applications for voter registration, except as provided in Code Section 21-2-225;  
833 (E) The names of any disabled adults or elder persons alleged to have been abused  
834 while in the custody of the Department of Human Resources, except that those names  
835 shall be provided to law enforcement and to parties alleged to have been abused, their  
836 estates, and their agents;  
837 (F) Potentially commercially valuable plans of hospital authorities or corporations  
838 operating hospitals, except as set forth in Code Section 31-7-75.2;  
839 (G) Vital records except as set forth in Code Section 31-10-25;  
840 (H) Information provided to licensing boards and board deliberations as described in  
841 Code Section 43-1-2;  
842 (I) Information about persons receiving services from licensees who are the subjects  
843 of licensing board inquiries, except as set forth in Code Section 43-1-19;  
844 (J) Real state appraiser applications and supporting documentation, except as set forth  
845 in Code Section 43-39A-7;  
846 (K) Real estate brokers application information, except as set forth in Code Section  
847 43-40-7;  
848 (L) Identities of public employees who complain or provide information to their  
849 employers regarding fraud, waste, or abuse, except as provided in Code Section 45-1-4;  
850 (M) Books, records, and other information collected by a coroner or medical examiner  
851 as part of an investigation into the death of an individual;  
852 (N) Autopsy photographs, except as provided by Code Section 45-16-27;  
853 (O) Information secured by the commissioner of revenue incident to the administration  
854 of any tax or obtained from or furnished by an ad valorem taxpayer to a board of tax  
855 assessors, except as provided in Code Section 48-2-15 or 48-5-314; and  
856 (P) Public records containing information that would disclose or might lead to the  
857 disclosure of any component in the process used to execute or adopt an electronic  
858 signature, if such disclosure would or might cause the electronic signature to cease  
859 being under the sole control of the person using it. For purposes of this subparagraph,

860 the term 'electronic signature' has the same meaning as that term is defined in Code  
861 Section 10-12-3.

862 (b) This Code section shall have no application to:

863 (1) The disclosure of information contained in the records or papers of any court or  
864 derived therefrom, including, without limitation, records maintained pursuant to Article  
865 9 of Title 11 and records that are kept by the probate court pertaining to guardianships  
866 and conservatorships, except as provided in Code Section 29-9-18;

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

869 (3) The disclosure of information to a public employee of this state, its political  
870 subdivisions, or the United States who is obtaining such information for administrative  
871 purposes, in which case, subject to applicable laws of the United States, further access  
872 to such information shall continue to be subject to the provisions of this Code section;

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

876 (5) The disclosure of information to the individual in respect of whom such information  
877 is maintained, with the authorization thereof, or to an authorized agent thereof; provided,  
878 however, that the agency maintaining such information shall require proper identification  
879 of such individual or such individual's agent, or proof of authorization, as determined by  
880 such agency;

881 (6) The disclosure of the day and month of birth and mother's birth name of a deceased  
882 individual;

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

886 (8) The disclosure by an agency of information in its records in connection with the  
887 agency's discharging or fulfilling of its duties and responsibilities, including, but not  
888 limited to, the collection of debts owed to the agency or individuals or entities whom the  
889 agency assists in the collection of debts owed to the individual or entity; or

890 (9) The disclosure of information necessary to comply with legal or regulatory  
891 requirements or for legitimate law enforcement purposes.

892 Records and information disseminated pursuant to this subsection shall be used only by the  
893 authorized recipient and only for the authorized purpose.

894 (c) In the event that the custodian of public records protected by this Code section has  
895 good faith reason to believe that a pending request for such records has been made  
896 fraudulently, under false pretenses, or by means of false swearing, such custodian shall

897 apply to the superior court of the county in which such records are maintained for a  
 898 protective order limiting or prohibiting access to such records.

899 (d) This article shall not be construed to repeal:

900 (1) The attorney-client privilege recognized by state law to the extent that a record  
 901 pertains to the requesting or giving of legal advice or the disclosure of facts concerning  
 902 or pertaining to pending or potential litigation, settlement, claims, administrative  
 903 proceedings, or other judicial actions brought or to be brought by or against the agency  
 904 or any officer or employee; provided, however, that attorney-client information may be  
 905 obtained in a proceeding under Code Section 50-18-73 to prove justification or lack  
 906 thereof in refusing disclosure of documents under this Code section, provided the judge  
 907 of the court in which said proceeding is pending shall first determine by an in camera  
 908 examination that such disclosure would be relevant on that issue;

909 (2) The confidentiality of attorney work product; or

910 (3) State laws making certain tax matters confidential.

911 (e)(1) As used in this subsection, the term:

912 (A) 'Computer program' means a set of instructions, statements, or related data that, in  
 913 actual or modified form, is capable of causing a computer or computer system to  
 914 perform specified functions.

915 (B) 'Computer software' means one or more computer programs, existing in any form,  
 916 or any associated operational procedures, manuals, or other documentation.

917 (2) This article shall not be applicable to any computer program or computer software  
 918 used or maintained in the course of operation of a public office or agency.

919 (f) This Code section shall be interpreted narrowly so as to exclude from disclosure only  
 920 that portion of a public record to which an exclusion is directly applicable. It shall be the  
 921 duty of the agency having custody of a record to provide all other portions of a record for  
 922 public inspection or copying.

923 50-18-73.

924 (a) The superior courts of this state shall have jurisdiction in law and in equity to entertain  
 925 actions against persons or agencies having custody of records open to the public under this  
 926 article to enforce compliance with the provisions of this article. Such actions may be  
 927 brought by any person, firm, corporation, or other entity. In addition, the Attorney General  
 928 shall have authority to bring such actions, either civil or criminal, in his or her discretion  
 929 as may be appropriate to enforce compliance with this article.

930 (b) In any action brought to enforce the provisions of this article in which the court  
 931 determines that either party acted without substantial justification either in not complying  
 932 with this article or in instituting the litigation, the court shall, unless it finds that special

933 circumstances exist, assess in favor of the complaining party reasonable attorney fees and  
934 other litigation costs reasonably incurred. Whether the position of the complaining party  
935 was substantially justified shall be determined on the basis of the record as a whole which  
936 is made in the proceeding for which fees and other expenses are sought.

937 (c) Any agency or person who provides access to information in good faith reliance on the  
938 requirements of this article shall not be liable in any action on account of having provided  
939 access to such information.

940 50-18-74.

941 A prosecution under this article shall only be commenced by issuance of a citation in the  
942 same manner as an arrest warrant for a peace officer pursuant to Code Section 17-4-40,  
943 which citation shall be personally served upon the accused. The defendant shall not be  
944 arrested prior to the time of trial, except that a defendant who fails to appear for  
945 arraignment or trial may thereafter be arrested pursuant to a bench warrant and required to  
946 post a bond for his or her future appearance.

947 50-18-75.

948 Any form, document, or other written matter which is required by law or rule or regulation  
949 to be filed as a vital record under the provisions of Chapter 10 of Title 31, which contains  
950 information which is exempt from disclosure under Code Section 31-10-25, and which is  
951 temporarily kept or maintained in any file or with any other documents in the office of the  
952 judge or clerk of any court prior to filing with the Department of Human Resources shall  
953 be open to inspection by the general public, after the exempt information is redacted.

954 50-18-76.

955 The procedures and fees provided for in this article shall not apply to public records,  
956 including records that are exempt from disclosure pursuant to Code Section 50-18-72,  
957 which are requested in writing by a state or federal grand jury, taxing authority, law  
958 enforcement agency, state auditor, state legislative committee, state task force, state  
959 attorney general, or prosecuting attorney in conjunction with an ongoing administrative,  
960 criminal, or tax investigation. The lawful custodian shall provide copies of such records  
961 to the requesting agency or party unless such records are privileged or disclosure to such  
962 agencies is specifically restricted by law."

963 **SECTION 3.**

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