

House Bill 397

By: Representatives Powell of the 171st, Bearden of the 68th, Powell of the 29th, Greene of the 149th, Baker of the 78th, and others

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 comprehensively revise the provisions of law regarding open meetings and open
3 records; to provide definitions relating to open meetings; to provide for the manner of closing
4 meetings; to provide for open meetings; to provide for remedies for improperly closing
5 meetings; to provide for notice of meetings; to provide for exceptions; to provide for certain
6 privileges; to provide for sanctions; to provide for related matters; to provide for legislative
7 intent regarding open records; to provide for definitions relating to open records; to provide
8 for applicability; to provide for procedures regarding disclosure and enforcement of
9 disclosure provisions; to provide for fees and the amount and manner of collection thereof;
10 to provide for exceptions and exemptions; to provide for sanctions; to provide for related
11 matters; to conform certain cross references; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

17 "CHAPTER 14

18 50-14-1.

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

20 (1) 'Agency' means:

21 (A) Every state department, agency, board, bureau, office, commission, public
22 corporation, and authority;

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

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

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

30 (E) Any nonprofit organization to which there is a direct allocation of tax funds made
 31 by the governing authority of any agency as defined in this paragraph ~~and~~ which
 32 ~~allocation~~ constitutes more than 33 1/3 percent of the funds from all sources of such
 33 organization; provided, however, that this subparagraph shall not include hospitals,
 34 nursing homes, dispensers of pharmaceutical products, or any other type organization,
 35 person, or firm furnishing medical or health services to a citizen for which they receive
 36 reimbursement from the state whether directly or indirectly; nor shall this term include
 37 a subagency or affiliate of such a nonprofit organization from or through which the
 38 allocation of tax funds is made.

39 (2) 'Meeting' means:

40 (A) The gathering of a quorum of the members of the governing body of an agency
 41 at which official business or policy of the governing body is formulated, presented,
 42 discussed, or voted upon;

43 (B) The gathering of or of any committee of its the members of the governing body of an
 44 agency or persons appointed by those members to serve in their stead at which created
 45 by such governing body, whether standing or special, pursuant to schedule, call, or
 46 notice of or from such governing body or committee or an authorized member, at a
 47 designated time and place at which any public matter, official business, or policy of the
 48 agency is to be discussed or presented or at which official action is to be taken or, in the
 49 case of a committee, recommendations on any public matter, official business, or policy
 50 to the governing body are to be formulated, presented, or discussed, or voted upon; or

51 (C) The gathering of or communications between more than two but less than a
 52 quorum of the members of the governing body of an agency or persons appointed by
 53 those members to serve in their stead if the primary purpose of that gathering is to
 54 evade or avoid the quorum requirements for conducting a meeting while discussing or
 55 conducting official business.

56 ~~The assembling together~~ gathering of a quorum of the members of a governing body or
 57 committee for the purpose of making inspections of physical facilities or property under
 58 the jurisdiction of such agency or for ~~the purposes of meeting with the governing bodies,~~
 59 ~~officers, agents, or employees of other agencies at places~~ training outside the
 60 geographical jurisdiction of an agency ~~and~~ at which no ~~final~~ official business of the
 61 agency is to be discussed or official action is to be taken shall not be deemed a 'meeting.'

62 (b) Except as otherwise provided by law, all meetings as defined in subsection (a) of this
 63 Code section shall be open to the public. All votes at any meeting shall be taken in public
 64 after due notice of the meeting and compliance with the posting and agenda requirements
 65 of this chapter. Before any gathering outside of the agency's geographical jurisdiction
 66 pursuant to paragraph (2) of subsection (a) of this Code section, the agency shall comply
 67 with the notice requirements of this Code section and shall not take votes or conduct other
 68 business unless it complies with all of the requirements of this chapter. Any resolution,
 69 rule, regulation, ordinance, or other official action of an agency adopted, taken, or made
 70 at a meeting which is not open to the public as required by this chapter shall not be binding.
 71 Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an
 72 agency based on an alleged violation of this provision must be commenced within 90 days
 73 of the date such contested action was taken, ~~provided that any~~ or, if the meeting was held
 74 in a manner not permitted by law, within 90 days from the date the alleged violation was
 75 discovered if such date is not more than six months after the date the contested action was
 76 taken. Any action under this chapter contesting a zoning decision of a local governing
 77 authority shall be commenced within the time allowed by law for appeal of such zoning
 78 decision.

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

82 (d)(1) Every agency entity subject to this chapter shall prescribe the time, place, and
 83 dates of regular meetings of the agency entity. Such information shall be available to the
 84 general public and a notice containing such information shall be posted at least one week
 85 in advance and maintained in a conspicuous place available to the public at the regular
 86 ~~meeting~~ place of the an agency or committee meeting subject to this chapter as well as
 87 on the agency's website, if any. Meetings shall be held in accordance with a regular
 88 schedule, but nothing in this subsection shall preclude an agency from canceling or
 89 postponing any regularly scheduled meeting.

90 (2) ~~Whenever any meeting required to be open to the public is to be held at a time or~~
 91 ~~place other than at the time and place prescribed for regular meetings, the agency shall~~
 92 ~~give due notice thereof. 'Due notice' shall be the posting of a written notice for at least~~
 93 ~~24 hours at the place of regular meetings and giving of written~~ Written or oral notice shall
 94 be given at least 24 hours in advance of ~~the~~ any meeting to the legal organ in which
 95 notices of sheriff's sales are published in the county where regular meetings are held or
 96 at the option of the agency to a newspaper having a general circulation in said county at
 97 least equal to that of the legal organ; provided, however, that, in counties where the legal
 98 organ is published less often than four times weekly, ~~'due notice'~~ sufficient notice shall

99 be the posting of a written notice for at least 24 hours at the place of regular meetings
 100 and, upon written request from any local broadcast or print media outlet whose place of
 101 business and physical facilities are located in the county, notice by telephone, ~~or~~
 102 ~~facsimile, or e-mail~~ to that requesting media outlet at least 24 hours in advance of the
 103 called meeting. Whenever notice is given to a legal organ or other newspaper, that
 104 publication shall immediately as practicable make the information available upon inquiry
 105 to any member of the public.

106 (3) When special circumstances occur and are so declared by an agency, that agency may
 107 hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and
 108 subjects expected to be considered at the meeting as is reasonable under the
 109 circumstances, including notice to said county legal organ or a newspaper having a
 110 general circulation in the county at least equal to that of the legal organ, in which event
 111 the reason for holding the meeting within 24 hours and the nature of the notice shall be
 112 recorded in the minutes. ~~Whenever notice is given to a legal organ or other newspaper,~~
 113 ~~that publication shall immediately make the information available upon inquiry to any~~
 114 ~~member of the public. Any oral notice required or permitted by this subsection may be~~
 115 ~~given by telephone.~~

116 (e)(1) Prior to any meeting, the agency or committee holding such meeting shall make
 117 available an agenda of all matters expected to come before the agency or committee at
 118 such meeting. The agenda shall be available upon request and shall be posted at the
 119 meeting site; as far in advance of the meeting as reasonably possible, but shall not be
 120 required to be available more than two weeks prior to the meeting and shall be posted,
 121 at a minimum, at some time during the two-week period immediately prior to the
 122 meeting. Failure to include on the agenda an item which becomes necessary to address
 123 during the course of a meeting shall not preclude considering and acting upon such item.

124 (2)(A) A summary of the subjects acted on and those members present at a meeting of
 125 any agency shall be written and made available to the public for inspection within two
 126 business days of the adjournment of a meeting ~~of any agency.~~

127 (B) The regular minutes of a meeting ~~of any agency~~ subject to this chapter shall be
 128 promptly recorded and such records shall be open to public inspection once approved
 129 as official by the agency or its committee, but in no case later than immediately
 130 following ~~the its~~ next regular meeting ~~of the agency~~; provided, however, that nothing
 131 contained in this chapter shall prohibit the earlier release of minutes, whether approved
 132 by the agency or not. Said minutes shall, ~~as~~ at a minimum, include the names of the
 133 members present at the meeting, a description of each motion or other proposal made,
 134 and a record of all votes. ~~In the case of a roll-call vote the~~ The name of each person
 135 voting for or against a proposal shall be recorded and in all other cases it shall be

136 presumed that the action taken was approved by each person in attendance unless the
 137 minutes reflect the name of the persons voting against the proposal or abstaining.

138 (C) Minutes shall also be recorded but not open to the public as to each issue discussed
 139 in executive or closed session by the agency or committee. In the case of such a closed
 140 meeting where matters subject to the attorney-client privilege are discussed, the fact
 141 that an attorney-client discussion occurred and its subject shall be identified, but the
 142 substance of the discussion shall not be recorded in the minutes. Such minutes shall be
 143 kept and preserved for in camera inspection by an appropriate court should a dispute
 144 arise as to the propriety of any closed or executive session.

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

148 50-14-2.

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

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

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

158 50-14-3.

159 This chapter shall not apply to the following:

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

162 (2) The deliberations and voting of the State Board of Pardons and Paroles; and in
 163 addition said board may close a meeting held for the purpose of receiving information or
 164 evidence for or against clemency or in revocation proceedings if it determines that the
 165 receipt of such information or evidence in open meeting would present a substantial risk
 166 of harm or injury to a witness;

167 (3) Meetings of the Georgia Bureau of Investigation or any other law enforcement
 168 agency in the state, including grand jury meetings;

169 (4) Meetings when any agency is discussing the future acquisition of real estate, except
 170 that such meetings shall be subject to the requirements of this chapter for the giving of

171 the notice of such a meeting to the public and preparing the minutes of such a meeting;
 172 ~~provided, however, the disclosure of such portions of the minutes as would identify real~~
 173 ~~estate to be acquired may be delayed until such time as the acquisition of the real estate~~
 174 ~~has been completed, terminated, or abandoned or court proceedings with respect thereto~~
 175 ~~initiated.~~ It shall not be a violation of this chapter for an agency to decide in such a
 176 closed meeting to authorize negotiations to purchase property, to authorize entering into
 177 a contract to purchase property subject to a subsequent public vote, or to authorize the
 178 entering of an option to purchase real estate subject to approval at a later public vote. No
 179 vote to acquire real estate shall be binding on an agency until a vote is taken in an open
 180 meeting where the identity of the property and the terms of the acquisition are disclosed
 181 before the vote;

182 (5) Meetings of the governing authority of a public hospital or any committee thereof
 183 when discussing the granting, restriction, or revocation of staff privileges or the granting
 184 of abortions under state or federal law;

185 (6) Meetings when discussing or deliberating upon the appointment, employment,
 186 compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of
 187 a public officer or employee ~~but not when receiving evidence or interviewing a director,~~
 188 ~~chief executive, chief administrator, or other official with a similar role or title. This~~
 189 ~~exception shall not apply to the receipt of documents or statements or hearing argument~~
 190 ~~on charges filed to determine disciplinary action or dismissal of a public officer or~~
 191 ~~employee or considering or discussing matters of policy regarding the employment or~~
 192 ~~hiring practices of the agency.~~ The vote on any matter covered by this paragraph shall
 193 be taken in public and minutes of the meeting as provided in this chapter shall be made
 194 available. Meetings by an agency to discuss or take action on the filling of a vacancy in
 195 the membership of the agency itself shall at all times be open to the public as provided
 196 in this chapter;

197 (7) Adoptions and proceedings related thereto;

198 (8) Meetings of the board of trustees or the investment committee of any public
 199 retirement system created by Title 47 when such board or committee is discussing matters
 200 pertaining to investment securities trading or investment portfolio positions and
 201 composition; and

202 (9) ~~Meetings when discussing~~ Portions of meetings during which the contents of any
 203 records that are exempt from public inspection or disclosure pursuant to paragraph (15)
 204 of subsection (a) of Code Section 50-18-72, when discussing any information a record
 205 of which would be exempt from public inspection or disclosure under said paragraph, or
 206 when reviewing or discussing any security plan under consideration pursuant to

207 ~~paragraph (10) of subsection (a) of Code Section 15-16-10~~ Article 4 of Chapter 18 of this
208 title are discussed.

209 50-14-4.

210 (a) When any meeting of an agency is closed to the public pursuant to any provision of this
211 chapter, the specific reasons for such closure shall be entered upon the official minutes, the
212 meeting shall not be closed to the public except by a majority vote of a quorum present for
213 the meeting, the minutes shall reflect the names of the members present and the names of
214 those voting for closure, and that part of the minutes shall be made available to the public
215 as any other minutes. Where a meeting of an agency is devoted in part to matters within
216 the exceptions provided by law, any portion of the meeting not subject to any such
217 exception, privilege, or confidentiality shall be open to the public, and the minutes of such
218 portions not subject to any such exception shall be taken, recorded, and open to public
219 inspection as provided in subsection (e) of Code Section 50-14-1.

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

226 50-14-5.

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

233 (b) In any action brought to enforce the provisions of this chapter in which the court
234 determines that an agency acted without substantial justification in not complying with this
235 chapter, the court shall, unless it finds that special circumstances exist, assess in favor of
236 the complaining party reasonable attorney's fees and other litigation costs reasonably
237 incurred. Whether the position of the complaining party was substantially justified shall
238 be determined on the basis of the record as a whole which is made in the proceeding for
239 which fees and other expenses are sought.

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

243 50-14-6.

244 Any person knowingly and willfully conducting or participating in a meeting in violation
 245 of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by
 246 a fine not to exceed ~~\$500.00~~ \$1,000.00. Alternatively, a fine may be imposed by the court
 247 in any civil action brought pursuant to this chapter against any person who knowingly and
 248 willfully violates the terms of this chapter in an amount not to exceed \$1,000.00 for the
 249 first violation. A fine not to exceed \$2,500.00 per violation may be imposed for each
 250 additional violation that the violator commits within a 12 month period from the date that
 251 the first fine was imposed. It shall be a defense to any criminal action under this Code
 252 section that a person has acted in good faith in his or her actions."

253 **SECTION 2.**

254 Said title is further amended by revising Article 4 of Chapter 18, relating to inspection of
 255 public records, as follows:

256 "ARTICLE 4

257 50-18-70.

258 (a) The General Assembly finds that it is essential to a free, open, and democratic society
 259 that the records of its government be open to inspection by the public. This article shall be
 260 broadly construed to allow the inspection of governmental records and its exceptions
 261 interpreted narrowly to exclude only those portions of records addressed by an exception.

262 (b) As used in this article, the term:

263 (1) 'Agency' means every state or local department, agency, board, bureau, office,
 264 commission, public corporation, and authority; district; county; municipal corporation;
 265 hospital authority; other political subdivision of any kind of state or local government;
 266 and qualifying nonprofit organization. The term 'agency' shall not include political or
 267 governmental bodies that are within the judicial or legislative branch.

268 (2) 'public record' shall mean 'Public document' means all documents, papers, letters,
 269 maps, books, tapes, photographs, computer based or generated information, or similar
 270 material prepared and maintained or received in the course of the operation of a public
 271 office or agency in the possession of an agency or in the possession of a private person
 272 or entity when such documents have been transferred to it by an agency for storage or

273 future governmental use or have been generated pursuant to a formal or informal
 274 agreement with an agency to provide a governmental service that might otherwise be
 275 provided by an agency. 'Public record' shall also mean such items received or maintained
 276 by a private person or entity on behalf of a public office or agency which are not
 277 otherwise subject to protection from disclosure; provided, however, this Code section
 278 shall be construed to disallow an agency's placing or causing such items to be placed in
 279 the hands of a private person or entity for the purpose of avoiding disclosure. Records
 280 received or maintained by a private person, firm, corporation, or other private entity in
 281 the performance of a service or function for or on behalf of an agency, a public agency,
 282 or a public office shall be subject to disclosure to the same extent that such records would
 283 be subject to disclosure if received or maintained by such agency, public agency, or
 284 public office. As used in this article, the term 'agency' or 'public agency' or 'public office'
 285 shall have the same meaning and application as provided for in the definition of the term
 286 'agency' in paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally
 287 include any association, corporation, or other similar organization which: (1) has a
 288 membership or ownership body composed primarily of counties, municipal corporations,
 289 or school districts of this state or their officers or any combination thereof; and (2)
 290 derives a substantial portion of its general operating budget from payments from such
 291 political subdivisions.

292 (3) 'Qualifying nonprofit organization' means any nonprofit organization subject to
 293 Chapter 14 of this title under subparagraph (a)(1)(E) of Code Section 50-14-1.

294 ~~(b) All public records of an agency as defined in subsection (a) of this Code section,~~
 295 ~~except those which by order of a court of this state or by law are prohibited or specifically~~
 296 ~~exempted from being open to inspection by the general public, shall be open for a personal~~
 297 ~~inspection by any citizen of this state at a reasonable time and place; and those in charge~~
 298 ~~of such records shall not refuse this privilege to any citizen.~~

299 ~~(c) Any computerized index of a county real estate deed records shall be printed for~~
 300 ~~purposes of public inspection no less than every 30 days and any correction made on such~~
 301 ~~index shall be made a part of the printout and shall reflect the time and date that said index~~
 302 ~~was corrected.~~

303 ~~(d) No public officer or agency shall be required to prepare reports, summaries, or~~
 304 ~~compilations not in existence at the time of the request.~~

305 ~~(e) In a pending proceeding under Chapter 13 of this title, the 'Georgia Administrative~~
 306 ~~Procedure Act,' or under any other administrative proceeding authorized under Georgia~~
 307 ~~law, a party may not access public records pertaining to the subject of the proceeding~~
 308 ~~pursuant to this article without the prior approval of the presiding administrative law judge,~~
 309 ~~who shall consider such open record request in the same manner as any other request for~~

310 information put forth by a party in such a proceeding. This subsection shall not apply to
 311 any proceeding under Chapter 13 of this title, relating to the revocation, suspension,
 312 annulment, withdrawal, or denial of a professional education certificate, as defined in Code
 313 Section 20-2-200, or any personnel proceeding authorized under Part 7 and Part 11 of
 314 Article 17 and Article 25 of Chapter 2 of Title 20.

315 (f) ~~The individual in control of such public record or records shall have a reasonable~~
 316 ~~amount of time to determine whether or not the record or records requested are subject to~~
 317 ~~access under this article and to permit inspection and copying. In no event shall this time~~
 318 ~~exceed three business days. Where responsive records exist but are not available within~~
 319 ~~three business days of the request, a written description of such records, together with a~~
 320 ~~timetable for their inspection and copying, shall be provided within that period; provided,~~
 321 ~~however, that records not subject to inspection under this article need not be made available~~
 322 ~~for inspection and copying or described other than as required by subsection (h) of Code~~
 323 ~~Section 50-18-72, and no records need be made available for inspection or copying if the~~
 324 ~~public officer or agency in control of such records shall have obtained, within that period~~
 325 ~~of three business days, an order based on an exception in this article of a superior court of~~
 326 ~~this state staying or refusing the requested access to such records.~~

327 (g) ~~At the request of the person, firm, corporation, or other entity requesting such records,~~
 328 ~~records maintained by computer shall be made available where practicable by electronic~~
 329 ~~means, including Internet access, subject to reasonable security restrictions preventing~~
 330 ~~access to nonrequested or nonavailable records.~~

331 50-18-71.

332 (a) ~~In all cases where an interested member of the public has a right to inspect or take~~
 333 ~~extracts or make copies from any public records, instruments, or documents, any such~~
 334 ~~person shall have the right of access to the records, documents, or instruments for the~~
 335 ~~purpose of making photographs or reproductions of the same while in the possession,~~
 336 ~~custody, and control of the lawful custodian thereof, or his authorized deputy. Such work~~
 337 ~~shall be done under the supervision of the lawful custodian of the records, who shall have~~
 338 ~~the right to adopt and enforce reasonable rules governing the work. The work shall be done~~
 339 ~~in the room where the records, documents, or instruments are kept by law. While the work~~
 340 ~~is in progress, the custodian may charge the person making the photographs or~~
 341 ~~reproductions of the records, documents, or instruments at a rate of compensation to be~~
 342 ~~agreed upon by the person making the photographs and the custodian for his services or the~~
 343 ~~services of a deputy in supervising the work All public documents shall be open for~~
 344 ~~personal inspection, except those which by order of a court of this state or by law are~~

345 specifically exempted from disclosure. Records shall be maintained by agencies consistent
346 with the record retention requirements of Article 5 of this chapter.

347 ~~(b)(1) Where fees for certified copies or other copies or records are specifically~~
348 ~~authorized or otherwise prescribed by law, such specific fee shall apply~~ Agencies shall
349 produce all records for inspection within three business days of receipt of a written
350 request upon the director, chairperson, or chief executive officer, however denominated,
351 of an agency, the senior official at any satellite office of an agency, a clerk specifically
352 designated by an agency as the custodian of agency records, or a duly designated open
353 records officer of an agency. In those instances where some, but not all, records can be
354 produced within three business days, an agency shall make available within that period
355 those records that can be located and produced.

356 (2) Each agency may designate in writing one or more open records officers upon whom
357 requests for inspection or copying of records may be delivered in addition to delivery of
358 requests to the director, chairperson, or chief executive officer, however denominated,
359 of every such agency. Each agency may immediately provide notice to any person upon
360 request, orally or in writing, of those open records officers. The three-day period for
361 response to a request under this article to inspect, copy, or produce records shall not begin
362 to run until a request is made in writing upon either a duly designated open records
363 officer or director, chairperson, or chief executive officer, however denominated, of every
364 such agency.

365 ~~(c)(1) Where no fee is otherwise provided by law, the agency may charge and collect a~~
366 ~~uniform copying fee not to exceed 25¢ per page~~ An agency may impose a reasonable
367 charge for the search, retrieval, redaction, and production or copying costs for the
368 production of records pursuant to this article. Where fees for certified copies or other
369 copies or records are specifically authorized or otherwise prescribed by law, such specific
370 fee shall apply when certified copies or other records to which a specific fee may apply
371 are sought. In all other instances, the charge for the search, retrieval, or redaction of
372 records shall not exceed the prorated hourly salary of the lowest paid full-time employee
373 who, in the discretion of the custodian of the records, has the necessary skill and training
374 to perform the request; provided, however, that no charge shall be made for the first
375 quarter hour, and an agency shall utilize the most economical means reasonably
376 calculated to identify responsive, nonexcluded documents.

377 (2) Charges for the redaction of records may only be imposed where redaction is
378 necessary to protect the confidentiality or privacy of information regarding private
379 individuals or entities.

380 (3) In addition to a charge for the search, retrieval, or redaction of records, an agency
381 may charge a fee for the copying of records or data, not to exceed 25¢ per page or, in the

382 case of electronic records, the actual cost of media on which the records or data are
383 produced.

384 (4) Whenever any person has requested to inspect or copy a public record and does not
385 pay the cost for search, retrieval, redaction, or copying of such records when such charges
386 have been lawfully estimated and agreed to pursuant to this article, and regardless of
387 whether the requester inspects or accepts copies of the records, an agency, except for a
388 qualifying nonprofit organization, is authorized to collect such charges in any manner
389 authorized by law for the collection of taxes, fees, or assessments.

390 ~~(d) In addition, a reasonable charge may be collected for search, retrieval, and other direct~~
391 ~~administrative costs for complying with a request under this Code section. The hourly~~
392 ~~charge shall not exceed the salary of the lowest paid full-time employee who, in the~~
393 ~~discretion of the custodian of the records, has the necessary skill and training to perform~~
394 ~~the request; provided, however, that no charge shall be made for the first quarter hour In~~
395 ~~any instance where an agency cannot produce records within three business days of receipt~~
396 ~~of the request, or will seek costs for the search, retrieval, redaction, or copying of records~~
397 ~~or is withholding all or part of a requested record, the agency shall write the requester~~
398 ~~within this time period and inform the requester when the records will be available for~~
399 ~~inspection or copying, estimate the costs, as provided in this article, for production of the~~
400 ~~records, and state the specific legal authority exempting such record or records from~~
401 ~~disclosure by Code section, subsection, and paragraph. In instances where an agency will~~
402 ~~seek costs for production of the records in excess of \$10.00, an agency may defer search~~
403 ~~and retrieval of the records until the requester agrees to pay the estimated costs, and in any~~
404 ~~instance in which the estimated costs for production of the records exceeds \$500.00, an~~
405 ~~agency may insist on prepayment of the costs prior to beginning search, retrieval, review,~~
406 ~~or production of the records. Whenever any person who has requested to inspect or copy~~
407 ~~a public record has not paid, when due, the cost for search, retrieval, redaction, or copying~~
408 ~~of such records, an agency shall not be required to produce further records to such person~~
409 ~~until the costs for the prior production of records have been paid.~~

410 ~~(e) An agency shall utilize the most economical means available for providing copies of~~
411 ~~public records Records that are sought as part of or for use in any ongoing civil or~~
412 ~~administrative litigation shall be subject to the rules governing production of documents~~
413 ~~in such litigation and shall not be subject to this article. This subsection shall not apply to~~
414 ~~any proceeding under Chapter 13 of this title, relating to the revocation, suspension,~~
415 ~~annulment, withdrawal, or denial of a professional education certificate, as defined in Code~~
416 ~~Section 20-2-200, or any personnel proceeding authorized under Article 25 or Part 7 or 11~~
417 ~~of Article 17 of Chapter 2 of Title 20.~~

418 ~~(f) Where information requested is maintained by computer, an agency may charge the~~
 419 ~~public its actual cost of a computer disk or tape onto which the information is transferred~~
 420 ~~and may charge for the administrative time involved as set forth in subsection (d) of this~~
 421 ~~Code section Agencies shall produce for inspection and copying printouts of data or~~
 422 ~~selected data fields from data bases that the agency maintains using the computer programs~~
 423 ~~or subroutines that the agency has in its possession. An agency shall not be required to~~
 424 ~~create new programs, subroutines, functions, or formats to produce such data and shall not~~
 425 ~~be required to produce the programs or subroutines necessary to read the data in electronic~~
 426 ~~format if a computer printout that complies with this subsection is provided. Any person~~
 427 ~~or entity may request that data or electronic records or information be produced in the~~
 428 ~~format in which such data or electronic records are kept by the agency, and in such~~
 429 ~~instance, the data or electronic records may be downloaded onto suitable electronic media~~
 430 ~~by the agency. Except as otherwise provided by law, no public officer or agency shall be~~
 431 ~~required to prepare reports, summaries, or compilations not in existence at the time of the~~
 432 ~~request or to answer questions or interrogatories propounded by a requester.~~

433 ~~(g) Whenever any person has requested one or more copies of a public record and such~~
 434 ~~person does not pay the copying charges and charges for search, retrieval, or other direct~~
 435 ~~administrative costs in accordance with the provisions of this Code section:~~

436 ~~(1) A county or a department, agency, board, bureau, commission, authority, or similar~~
 437 ~~body of a county is authorized to collect such charges in any manner authorized by law~~
 438 ~~for the collection of taxes, fees, or assessments owed to the county;~~

439 ~~(2) A municipal corporation or a department, agency, board, bureau, commission,~~
 440 ~~authority, or similar body of a municipal corporation is authorized to collect such charges~~
 441 ~~in any manner authorized by law for the collection of taxes, fees, or assessments owed~~
 442 ~~to the municipal corporation;~~

443 ~~(3) A consolidated government or a department, agency, board, bureau, commission,~~
 444 ~~authority, or similar body of a consolidated government is authorized to collect such~~
 445 ~~charges in any manner authorized by law for the collection of taxes, fees, or assessments~~
 446 ~~owed to the consolidated government;~~

447 ~~(4) A county school board or a department, agency, board, bureau, commission,~~
 448 ~~authority, or similar body of a county school board is authorized to collect such charges~~
 449 ~~in any manner authorized by law for the collection of taxes, fees, or assessments owed~~
 450 ~~to the county;~~

451 ~~(5) An independent school board or a department, agency, board, bureau, commission,~~
 452 ~~authority, or similar body of an independent school board is authorized to collect such~~
 453 ~~charges in any manner authorized by law for the collection of taxes, fees, or assessments~~
 454 ~~owed to the municipal corporation, and~~

455 ~~(6) A joint or regional authority or instrumentality which serves one or more counties~~
 456 ~~and one or more municipal corporations, two or more counties, or two or more municipal~~
 457 ~~corporations is authorized to collect such charges in any manner authorized by law for~~
 458 ~~the collection of taxes, fees, or assessments owed to the county if a county is involved~~
 459 ~~with the authority or instrumentality or in any manner authorized by law for the collection~~
 460 ~~of taxes, fees, or assessments owed to the municipal corporation if a municipal~~
 461 ~~corporation is involved with the authority or instrumentality.~~

462 ~~This subsection shall apply whether or not the person requesting the copies has appeared~~
 463 ~~to receive the copies~~ Requests to inspect or copy electronic messages, whether in the form
 464 of e-mail, text message, or other format, shall contain information about the messages that
 465 is reasonably calculated to allow the recipient of the request to locate the messages sought,
 466 including, if known, the name, title, or office of the specific person or persons whose
 467 electronic messages are sought and, to the extent possible, the specific data bases to be
 468 searched for such messages.

469 (h) In lieu of providing separate printouts or copies of records or data, an agency may
 470 provide access to records through a website accessible by the public.

471 (i) Any computerized index of county real estate deed records shall be printed for purposes
 472 of public inspection no less than every 30 days, and any correction made on such index
 473 shall be made a part of the printout and shall reflect the time and date that such index was
 474 corrected.

475 (j)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court
 476 as evidence in a criminal or civil trial shall not be open to public inspection without
 477 approval of the judge assigned to the case.

478 (2) Except as provided in paragraph (4) of this subsection, in the event inspection is not
 479 approved by the court, in lieu of inspection of such an exhibit, the custodian of such an
 480 exhibit shall, upon request, provide one or more of the following representations of the
 481 exhibit:

482 (A) A photograph;

483 (B) A photocopy;

484 (C) A facsimile; or

485 (D) Another reproduction.

486 (3) The provisions of this article regarding fees for production of a record shall apply to
 487 exhibits produced according to this subsection.

488 (4) Any physical evidence that is used as an exhibit in a criminal or civil trial to show
 489 or support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not
 490 be open to public inspection except as provided in subsection (a) of this Code section.
 491 If the judge approves inspection of such physical evidence, the judge shall designate, in

492 writing, the facility owned or operated by an agency of state or local government where
 493 such physical evidence may be inspected. If the judge permits inspection, such property
 494 or material shall not be photographed, copied, or reproduced by any means. Any person
 495 who violates the provisions of this subsection shall be guilty of a felony and, upon
 496 conviction thereof, shall be punished by imprisonment for not less than one nor more than
 497 20 years or by a fine of not more than \$100,000.00, or both.

498 ~~50-18-71.1.~~

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

504 ~~(b) Except as provided in subsection (d) of this Code section, in the event inspection is not~~
 505 ~~approved by the court, in lieu of inspection of such an exhibit, the custodian of such an~~
 506 ~~exhibit shall, upon request, provide one or more of the following representations of the~~
 507 ~~exhibit:~~

508 ~~(1) A photograph;~~

509 ~~(2) A photocopy;~~

510 ~~(3) A facsimile; or~~

511 ~~(4) Another reproduction.~~

512 ~~(c) The provisions of subsections (b), (c), (d), and (e) of Code Section 50-18-71 shall apply~~
 513 ~~to fees, costs, and charges for providing a photocopy of such an exhibit. Fees for providing~~
 514 ~~a photograph, facsimile, or other reproduction of such an exhibit shall not exceed the cost~~
 515 ~~of materials or supplies and a reasonable charge for time spent producing the photograph,~~
 516 ~~facsimile, or other reproduction, in accordance with subsections (d) and (e) of Code Section~~
 517 ~~50-18-71.~~

518 ~~(d) Any physical evidence that is evidence of a violation of Part 2 of Article 3 of Chapter~~
 519 ~~12 of Title 16, that is used as an exhibit in a criminal or civil trial, shall not be open to~~
 520 ~~public inspection except as provided in subsection (a) of this Code section. If the judge~~
 521 ~~approves inspection of such physical evidence, the judge shall designate, in writing, the~~
 522 ~~location where such physical evidence may be inspected, which location shall be in a~~
 523 ~~facility owned or operated by an agency of state or local government. If the judge permits~~
 524 ~~inspection, such property or material shall not be photographed, copied, or reproduced by~~
 525 ~~any means. Any person who violates the provisions of this subsection shall be guilty of a~~
 526 ~~felony and, upon conviction thereof, shall be punished by imprisonment for not less than~~
 527 ~~one nor more than 20 years and by a fine of not more than \$100,000.00, or both.~~

528 ~~50-18-71.2.~~

529 ~~Any agency receiving a request for public records shall be required to notify the party~~
 530 ~~making the request of the estimated cost of the copying, search, retrieval, and other~~
 531 ~~administrative fees authorized by Code Section 50-18-71 as a condition of compliance with~~
 532 ~~the provisions of this article prior to fulfilling the request as a condition for the assessment~~
 533 ~~of any fee; provided, however, that no new fees other than those directly attributable to~~
 534 ~~providing access shall be assessed where records are made available by electronic means.~~

535 50-18-72.

536 (a) Public disclosure shall not be required for records that are:

- 537 (1) Specifically required by federal statute or regulation to be kept confidential;
- 538 (2) Medical or veterinary records and similar files, the disclosure of which would be an
 539 invasion of personal privacy;
- 540 (3) Except as otherwise provided by law, records compiled for law enforcement or
 541 prosecution purposes to the extent that production of such records would disclose the
 542 identity of a confidential source, disclose confidential investigative or prosecution
 543 material which would endanger the life or physical safety of any person or persons, or
 544 disclose the existence of a confidential surveillance or investigation;
- 545 (4) Records of law enforcement, prosecution, or regulatory agencies in any pending
 546 investigation or prosecution of criminal or unlawful activity, other than initial police
 547 arrest reports and initial incident reports; provided, however, that an investigation or
 548 prosecution shall no longer be deemed to be pending when all direct litigation involving
 549 said investigation and prosecution has become final or otherwise terminated;
- 550 ~~(4.1)~~(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the
 551 submission of a written statement of need by the requesting party, ~~such statement~~ to be
 552 provided to the custodian of records and to set forth the need for the report pursuant to
 553 this Code section; provided, however, that any person or entity whose name or
 554 identifying information is contained in a Georgia Uniform Motor Vehicle Accident
 555 Report shall be entitled, either personally or through a lawyer or other representative, to
 556 receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle
 557 Accident Reports shall not be available in bulk for inspection or copying by any person
 558 absent a written statement showing the need for each such report pursuant to the
 559 requirements of this Code section. For the purposes of this subsection, the term 'need'
 560 means that the natural person or legal entity who is requesting in person or by
 561 representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:
- 562 (A) Has a personal, professional, or business connection with a party to the accident;

- 563 (B) Owns or leases an interest in property allegedly or actually damaged in the
 564 accident;
- 565 (C) Was allegedly or actually injured by the accident;
- 566 (D) Was a witness to the accident;
- 567 (E) Is the actual or alleged insurer of a party to the accident or of property actually or
 568 allegedly damaged by the accident;
- 569 (F) Is a prosecutor or a publicly employed law enforcement officer;
- 570 (G) Is alleged to be liable to another party as a result of the accident;
- 571 (H) Is an attorney stating that he or she needs the requested reports as part of a criminal
 572 case; or an investigation of a potential claim involving contentions that a roadway,
 573 railroad crossing, or intersection is unsafe;
- 574 (I) Is gathering information as a representative of a news media organization;
- 575 (J) Is conducting research in the public interest for such purposes as accident
 576 prevention, prevention of injuries or damages in accidents, determination of fault in an
 577 accident or accidents, or other similar purposes; provided, however, this subparagraph
 578 ~~will~~ shall apply only to accident reports on accidents that occurred more than 30 days
 579 prior to the request and which shall have the name, street address, telephone number,
 580 and driver's license number redacted; or
- 581 (K) Is a governmental official, entity, or agency, or an authorized agent thereof,
 582 requesting reports for the purpose of carrying out governmental functions or legitimate
 583 governmental duties;
- 584 ~~(5)(6)~~ (6) Records ~~that consist~~ consisting of confidential evaluations submitted to, or
 585 examinations prepared by, a governmental agency and prepared in connection with the
 586 appointment or hiring of a public officer or employee;
- 587 ~~(7) and records~~ Records consisting of material obtained in investigations related to the
 588 suspension, firing, or investigation of complaints against public officers or employees
 589 until ten days after the same has been presented to the agency or an officer for action or
 590 the investigation is otherwise concluded or terminated, provided that this paragraph shall
 591 not be interpreted to make such investigatory records privileged;
- 592 ~~(6)(A)(8)~~ (8) Real estate appraisals, engineering or feasibility estimates, or other records
 593 made for or by the state or a local agency relative to the acquisition of real property until
 594 such time as the property has been acquired or the proposed transaction has been
 595 terminated or abandoned; ~~and~~
- 596 ~~(B)(9)~~ (9) ~~Engineers' cost estimates and pending;~~ Pending, rejected, or deferred bids or
 597 proposals and cost estimates related thereto until such time as the final award of the
 598 contract is made or the project is terminated or abandoned. ~~The provisions of this~~
 599 ~~subparagraph shall apply whether the bid or proposal is received or prepared by the~~

600 Department of Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county
 601 pursuant to Article 3 of Chapter 4 of Title 32, by a municipality pursuant to Article 4 of
 602 Chapter 4 of Title 32, or by a governmental entity pursuant to Article 2 of Chapter 91 of
 603 Title 36;

604 ~~(7)~~(10) Notwithstanding any other provision of this article, an agency shall not be
 605 required to release those portions of records Records which would identify persons
 606 applying for or under consideration for employment or appointment as director, chief
 607 executive, chief administrator, or other official with a similar role or title as head of an
 608 agency as that term is defined in paragraph (1) of subsection (a) of Code Section 50-14-1,
 609 or of a unit of the University System of Georgia; provided, however, that at least
 610 14 calendar days prior to the meeting at which final action or vote is to be taken on the
 611 position, ~~the agency shall release~~ all documents ~~which came into its possession with~~
 612 ~~respect to as many as~~ concerning as many as three persons under consideration whom the
 613 agency has determined to be the best qualified for the position ~~and from among whom~~
 614 ~~the agency intends to fill the position~~ shall be subject to inspection and copying. Prior
 615 to the release of these documents, an agency may allow such a person to decline being
 616 considered further for the position rather than have documents pertaining to ~~the~~ such
 617 person released. In that event, the agency shall release the documents of the next most
 618 qualified person under consideration who does not decline the position. If an agency has
 619 conducted its hiring or appointment process ~~open to the public~~ in a manner consistent
 620 with Chapter 14 of this title, it shall not be required to delay 14 days to take final action
 621 on the position. The agency shall not be required to release such records ~~with respect to~~
 622 of other applicants or persons under consideration, except at the request of any such
 623 person. Upon request, the hiring agency shall furnish the number of applicants and the
 624 composition of the list by such factors as race and sex. The agency shall not be allowed
 625 to avoid the provisions of this paragraph by the employment of a private person or agency
 626 to assist with the search or application process;

627 ~~(8)~~(11) Related to the provision of staff services to individual members of the General
 628 Assembly by the Legislative and Congressional Reapportionment Office, the Senate
 629 Research Office, or the House Research Office, provided that this exception shall not
 630 have any application ~~with respect~~ to records related to the provision of staff services to
 631 any committee or subcommittee or to any records which are or have been previously
 632 publicly disclosed by or pursuant to the direction of an individual member of the General
 633 Assembly;

634 ~~(9)~~(12) Records that are of historical research value which are given or sold to public
 635 archival institutions, public libraries, or libraries of a unit of the Board of Regents of the
 636 University System of Georgia when the owner or donor of such records wishes to place

637 restrictions on access to the records. No restriction on access, however, may extend more
 638 than 75 years from the date of donation or sale. This exemption shall not apply to any
 639 records prepared in the course of the operation of state or local governments of the State
 640 of Georgia;

641 ~~(10)~~(13) Records that contain information from the Department of Natural Resources
 642 inventory and register relating to the location and character of a historic property or of
 643 historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2
 644 if the Department of Natural Resources through its Division of Historic Preservation
 645 determines that disclosure will create a substantial risk of harm, theft, or destruction to
 646 the property or properties or the area or place where the property or properties are
 647 located;

648 ~~(10.1)~~(14) Records of farm water use by individual farms as determined by
 649 water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105;
 650 provided, however, that compilations of such records for the 52 large watershed basins
 651 as identified by the eight-digit United States Geologic Survey hydrologic code or an
 652 aquifer that do not reveal farm water use by individual farms shall be subject to
 653 disclosure under this article;

654 ~~(10.2)~~(15) Agricultural or food system records, data, or information that are considered
 655 by the ~~Georgia~~ Department of Agriculture to be a part of the critical infrastructure,
 656 provided that nothing in this paragraph shall prevent the release of such records, data, or
 657 information to another state or federal agency if the release of such records, data, or
 658 information is necessary to prevent or control disease or to protect public health, safety,
 659 or welfare. As used in this paragraph, the term 'critical infrastructure' shall have the same
 660 meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be
 661 subject to disclosure only upon the order of a court of competent jurisdiction;

662 ~~(10.3)~~(16) Records, data, or information collected, recorded, or otherwise obtained that
 663 is deemed confidential by the ~~Georgia~~ Department of Agriculture for the purposes of the
 664 national animal identification system, provided that nothing in this paragraph shall
 665 prevent the release of such records, data, or information to another state or federal agency
 666 if the release of such records, data, or information is necessary to prevent or control
 667 disease or to protect public health, safety, or welfare. As used in this paragraph, the term
 668 'national animal identification program' means a national program intended to identify
 669 animals and track them as they come into contact with or commingle with animals other
 670 than herdmates from their premises of origin. Such records, data, or information shall be
 671 subject to disclosure only upon the order of a court of competent jurisdiction;

672 ~~(11)~~(17) Records that contain ~~site-specific~~ site-specific information regarding the
 673 occurrence of rare species of plants or animals or the location of sensitive natural habitats

674 on public or private property if the Department of Natural Resources determines that
 675 disclosure will create a substantial risk of harm, theft, or destruction to the species or
 676 habitats or the area or place where the species or habitats are located; provided, however,
 677 that the owner or owners of private property upon which rare species of plants or animals
 678 occur or upon which sensitive natural habitats are located shall be entitled to such
 679 information pursuant to this article;

680 ~~(11.1) An individual's social security number and insurance or medical information in~~
 681 ~~personnel records, which may be redacted from such records;~~

682 ~~(11.2)(18)~~ Records that would reveal the names, home addresses, telephone numbers,
 683 security codes, e-mail addresses, or any other data or information developed, collected,
 684 or received by counties or municipalities in connection with neighborhood watch or
 685 public safety notification programs or with the installation, servicing, maintaining,
 686 operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other
 687 electronic security systems; provided, however, that initial police reports and initial
 688 incident reports shall remain subject to disclosure pursuant to paragraph (4) of this
 689 subsection;

690 ~~(11.3)(19)(A)~~ Records that reveal an individual's social security number, mother's
 691 birth name, credit card information, debit card information, bank account information,
 692 account number, including a utility account number, password used to access his or her
 693 account, Internet account information, financial data or information, and insurance or
 694 medical information in all records, unlisted telephone number if so designated in a
 695 public record, personal e-mail address or cellular telephone number, and, if technically
 696 feasible at reasonable cost, day and month of birth, which shall be redacted prior to
 697 disclosure of any record requested pursuant to this article; provided, however, that such
 698 information shall not be redacted from such records if the person or entity requesting
 699 such records requests such information in a writing signed under oath by such person
 700 or a person legally authorized to represent such entity which states that such person or
 701 entity is gathering information as a representative of a news media organization for use
 702 in connection with news gathering and reporting; and provided, further, that such access
 703 shall be limited to social security numbers and day and month of birth; and provided,
 704 further, that this news media organization exception for access to social security
 705 numbers and day and month of birth and the other protected information set forth in this
 706 subparagraph shall not apply to teachers, employees of a public school, or public
 707 employees as set forth in paragraph (13.1) (20) of this subsection. For purposes of this
 708 subparagraph, the term 'public employee' means any nonelected employee of the State
 709 of Georgia or its agencies, departments, or commissions or any county or municipality
 710 or its agencies, departments, or commissions.

- 711 (B) This paragraph shall have no application to:
- 712 (i) The disclosure of information contained in the records or papers of any court or
713 derived therefrom including without limitation records maintained pursuant to
714 Article 9 of Title 11;
- 715 (ii) The disclosure of information to a court, prosecutor, or publicly employed law
716 enforcement officer, or authorized agent thereof, seeking records in an official
717 capacity;
- 718 (iii) The disclosure of information to a public employee of this state, its political
719 subdivisions, or the United States who is obtaining such information for
720 administrative purposes, in which case, subject to applicable laws of the United
721 States, further access to such information shall continue to be subject to the provisions
722 of this paragraph;
- 723 (iv) The disclosure of information as authorized by the order of a court of competent
724 jurisdiction upon good cause shown to have access to any or all of such information
725 upon such conditions as may be set forth in such order;
- 726 (v) The disclosure of information to the individual in respect of whom such
727 information is maintained, with the authorization thereof, or to an authorized agent
728 thereof; provided, however, that the agency maintaining such information shall
729 require proper identification of such individual or such individual's agent, or proof of
730 authorization, as determined by such agency;
- 731 (vi) The disclosure of the day and month of birth and mother's birth name of a
732 deceased individual;
- 733 (vii) The disclosure by an agency of credit or payment information in connection
734 with a request by a consumer reporting agency as that term is defined under the
735 federal Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.);
- 736 (viii) The disclosure by an agency of information in its records in connection with the
737 agency's discharging or fulfilling of its duties and responsibilities, including, but not
738 limited to, the collection of debts owed to the agency or individuals or entities whom
739 the agency assists in the collection of debts owed to the individual or entity;
- 740 (ix) The disclosure of information necessary to comply with legal or regulatory
741 requirements or for legitimate law enforcement purposes; or
- 742 (x) The disclosure of the date of birth within criminal records.
- 743 (C) Records and information disseminated pursuant to this paragraph may be used only
744 by the authorized recipient and only for the authorized purpose. Any person who
745 obtains records or information pursuant to the provisions of this paragraph and
746 knowingly and willfully discloses, distributes, or sells such records or information to
747 an unauthorized recipient or for an unauthorized purpose shall be guilty of a

748 misdemeanor of a high and aggravated nature and upon conviction thereof shall be
 749 punished as provided in Code Section 17-10-4. Any person injured thereby shall have
 750 a cause of action for invasion of privacy. Any prosecution pursuant to this paragraph
 751 shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.

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

757 (E) This paragraph shall supplement and shall not supplant, overrule, replace, or
 758 otherwise modify or supersede any provision of statute, regulation, or law of the federal
 759 government or of this state as now or hereafter amended or enacted requiring,
 760 restricting, or prohibiting access to the information identified in subparagraph (A) of
 761 this paragraph and shall constitute only a regulation of the methods of such access
 762 where not otherwise provided for, restricted, or prohibited;

763 (20) Records concerning public employees that reveal the home address, home telephone
 764 number, social security number, insurance or medical information, mother's birth name,
 765 credit card information, debit card information, bank account information, account
 766 number, utility account number, password used to access his or her account, financial
 767 data or information other than compensation by a government agency, unlisted telephone
 768 number if so designated in a public record, and, if technically feasible at reasonable cost,
 769 day and month of birth about public employees or which identify the immediate family
 770 members or dependents. For the purposes of this paragraph, the term 'public employee'
 771 means any officer or employee of the State of Georgia or its agencies, departments, or
 772 commissions; any county or municipality or its agencies, departments, or commissions;
 773 or other political subdivision of the state. Public employees shall also include teachers
 774 in public and charter schools and nonpublic schools. This paragraph shall not apply to
 775 public records that do not specifically identify public employees by their jobs, titles, or
 776 offices;

777 ~~(12)~~(21) Public records containing information that would disclose or might lead to the
 778 disclosure of any component in the process used to execute or adopt an electronic
 779 signature, if such disclosure would or might cause the electronic signature to cease being
 780 under the sole control of the person using it. For purposes of this paragraph, the term
 781 'electronic signature' has the same meaning as that term is defined in Code
 782 Section 10-12-2;

783 ~~(13) Records that would reveal the home address or telephone number, social security~~
 784 ~~number, or insurance or medical information of employees of the Department of~~

785 ~~Revenue, law enforcement officers, firefighters as defined in Code Section 25-4-2,~~
 786 ~~judges, emergency medical technicians and paramedics, scientists employed by the~~
 787 ~~Division of Forensic Sciences of the Georgia Bureau of Investigation, correctional~~
 788 ~~employees, and prosecutors or identification of immediate family members or dependents~~
 789 ~~thereof;~~

790 ~~(13.1) Records that reveal the home address, the home telephone number, the e-mail~~
 791 ~~address, or the social security number of or insurance or medical information about public~~
 792 ~~employees or teachers and employees of a public school. For the purposes of this~~
 793 ~~paragraph, the term 'public school' means any school which is conducted within this state~~
 794 ~~and which is under the authority and supervision of a duly elected county or independent~~
 795 ~~board of education. Public disclosure shall also not be required for records that reveal the~~
 796 ~~home address, the home telephone number, the e-mail address, or the social security~~
 797 ~~number of or insurance or medical information about employees or teachers of a~~
 798 ~~nonpublic school;~~

799 ~~(13.2) Records that are kept by the probate court pertaining to guardianships and~~
 800 ~~conservatorships except as provided in Code Section 29-9-18;~~

801 ~~(14)(22) Acquired Records acquired by an agency for the purpose of establishing or~~
 802 ~~implementing, or assisting in the establishment or implementation of, a carpooling or~~
 803 ~~ridesharing program, to the extent such records would reveal the name, home address,~~
 804 ~~employment address, home telephone number, employment telephone number, or hours~~
 805 ~~of employment of any individual or would otherwise identify any individual who is~~
 806 ~~participating in, or who has expressed an interest in participating in, any such program.~~
 807 ~~As used in this paragraph, the term 'carpooling or ridesharing program' means and~~
 808 ~~includes, including, but is not limited to, the formation of carpools, vanpools, or~~
 809 ~~buspools, the provision of transit routes, rideshare research, and the development of other~~
 810 ~~demand management strategies such as variable working hours and telecommuting;~~

811 ~~(15)(23)(A) Records, the disclosure of which would compromise security against~~
 812 ~~sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the~~
 813 ~~protection of life, safety, or public property, which shall be limited to the following:~~

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

817 (ii) Any plan for protection against terrorist or other attacks, ~~which plan that~~ depends
 818 for its effectiveness in whole or in part upon a lack of general public knowledge of its
 819 details;

820 (iii) Any document relating to the existence, nature, location, or function of security
 821 devices designed to protect against terrorist or other attacks, ~~which devices that~~

822 depend for their effectiveness in whole or in part upon a lack of general public
823 knowledge; ~~and~~

824 (iv) Any plan, blueprint, or other material which if made public could compromise
825 security against sabotage, criminal, or terroristic acts; and

826 (v) Records of any government sponsored programs providing training regarding
827 government security measures.

828 (B) In the event of litigation challenging nondisclosure pursuant to this paragraph by
829 an agency of a document covered by this paragraph, the court may review the
830 documents in question in camera and may condition, in writing, any disclosure upon
831 such measures as the court may find to be necessary to protect against endangerment
832 of life, safety, or public property.

833 (C) As used in ~~divisions~~ division (i) ~~and (iv)~~ of subparagraph (A) of this paragraph, the
834 term 'activity' means deployment or surveillance strategies, actions mandated by
835 changes in the federal threat level, motorcades, contingency plans, proposed or
836 alternative motorcade routes, executive and dignitary protection, planned responses to
837 criminal or terrorist actions, after-action reports still in use, proposed or actual plans
838 and responses to bioterrorism, and proposed or actual plans and responses to requesting
839 and receiving the National Pharmacy Stockpile;

840 ~~(16)~~(24) Unless the request is made by the accused in a criminal case or by his or her
841 attorney, public records of an emergency 9-1-1 system, as defined in paragraph (3) of
842 Code Section 46-5-122, containing information which would reveal the name, address,
843 or telephone number of a person placing a call to a public safety answering point. Such;
844 ~~which~~ information may be redacted from such records if necessary to prevent the
845 disclosure of the identity of a confidential source, to prevent disclosure of material which
846 would endanger the life or physical safety of any person or persons, or to prevent the
847 disclosure of the existence of a confidential surveillance or investigation;

848 ~~(17)~~(25) Records of athletic or recreational programs, available through the state or a
849 political subdivision of the state, that include information identifying a child or children
850 12 years of age or under by name, address, telephone number, or emergency contact,
851 unless such identifying information has been redacted;

852 ~~(18)~~(26) Records of the State Road and Tollway Authority which would reveal the
853 financial accounts or travel history of any individual who is a motorist upon such any toll
854 project. ~~Such financial records shall include but not be limited to social security number,~~
855 ~~home address, home telephone number, e-mail address, credit or debit card information,~~
856 ~~and bank account information but shall not include the user's name;~~

857 ~~(19)~~(27) Records maintained by public postsecondary educational institutions in this
858 state and associated foundations of such institutions that contain personal information

859 concerning donors or potential donors to such institutions or foundations; provided,
 860 however, that the name of any donor and the amount of donation made by such donor
 861 shall be subject to disclosure if such donor or any entity in which such donor has a
 862 substantial interest transacts business with the public postsecondary educational
 863 institution to which the donation is made within three years of the date of such donation.
 864 As used in this paragraph, the term 'transact business' means to sell or lease any personal
 865 property, real property, or services on behalf of oneself or on behalf of any third party as
 866 an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the
 867 aggregate in a calendar year and the term 'substantial interest' means the direct or indirect
 868 ownership of more than 25 percent of the assets or stock of an entity;

869 ~~(20)~~(28) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other
 870 transit system that is connected to that system's TransCard, ~~or SmartCard, or successor~~
 871 or similar system which would reveal the financial records or travel history of any
 872 individual who is a purchaser of a TransCard or SmartCard or similar fare medium. Such
 873 financial records shall include, but not be limited to, social security number, home
 874 address, home telephone number, e-mail address, credit or debit card information, and
 875 bank account information but shall not include the user's name;

876 ~~(21)~~(29) Building mapping information produced and maintained pursuant to Article 10
 877 of Chapter 3 of Title 38;

878 ~~(22)~~(30) Notwithstanding the provisions of paragraph (4) of this subsection, any physical
 879 evidence or investigatory materials that are evidence of an alleged violation of Part 2 of
 880 Article 3 of Chapter 12 of Title 16, ~~which and~~ are in the possession, custody, or control
 881 of law enforcement, prosecution, or regulatory agencies; ~~or~~

882 ~~(23)~~(31) Records that are expressly exempt from public inspection pursuant to Code
 883 Sections 47-1-14 and 47-7-127.1;

884 (32) Records consisting of trade secrets submitted with a bid or proposal to an agency
 885 if, in the independent good faith determination of the agency receiving the bid, the
 886 records or parts of records that have been marked as trade secrets by a bidder qualify as
 887 trade secrets under Chapter 10 of Title 13. The agency shall notify the requester and the
 888 bidder or bidders whose documents may be produced of the agency's determination
 889 within three business days of receipt of a written or electronic request for production of
 890 the documents. The agency shall withhold release of the records for ten business days
 891 after notice of its determination, during which period the bidder or bidders may file an
 892 action in superior court to enjoin release of the records or obtain a declaratory judgment
 893 as to whether the records contain trade secrets;

894 ~~(b) This article shall not be applicable to:~~

895 ~~(1)(33)~~ Any trade secrets obtained from a person or business entity which are of a
 896 privileged or confidential nature and required by law or regulation to be submitted to a
 897 government agency; ~~or to~~

898 (34) data, Data, records, or information of a proprietary nature, produced or collected by
 899 or for faculty or staff of state institutions of higher learning, or other governmental
 900 agencies, in the conduct of, or as a result of, study or research on commercial, scientific,
 901 technical, or scholarly issues, whether sponsored by the institution alone or in conjunction
 902 with a governmental body or private concern, where such data, records, or information
 903 has not been publicly released, published, copyrighted, or patented;

904 ~~(2)(35)~~ Any data, records, or information developed, collected, or received by or on
 905 behalf of faculty, staff, employees, or students of an institution of higher education or any
 906 public or private entity supporting or participating in the activities of an institution of
 907 higher education in the conduct of, or as a result of, study or research on medical,
 908 scientific, technical, scholarly, or artistic issues, whether sponsored by the institution
 909 alone or in conjunction with a governmental body or private entity, until such information
 910 is published, patented, otherwise publicly disseminated, or released to an agency
 911 whereupon the request must be made to the agency. ~~This subsection applies~~ paragraph
 912 shall apply to, but is not limited to, information provided by participants in research,
 913 research notes and data, discoveries, research projects, methodologies, protocols, and
 914 creative works; ~~or~~

915 (36) Any record that would not be subject to disclosure, or the disclosure of which would
 916 jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or regulations
 917 promulgated thereunder;

918 ~~(3)(37)~~ Unless otherwise provided by law, ~~contract, bid, or proposal,~~ records consisting
 919 of questions, scoring keys, and other materials; constituting a test that derives value from
 920 being unknown to the test taker prior to administration; which is to be administered by
 921 an agency, including, but not limited to, any public school, any unit of the Board of
 922 Regents of the University System of Georgia, any public technical school, the State
 923 Board of Education, the Office of Student Achievement, the Professional Standards
 924 Commission, or a local school system, if reasonable measures are taken by the owner of
 925 the test to protect security and confidentiality; provided, however, that the State Board
 926 of Education may establish procedures whereby a person may view, but not copy, such
 927 records if viewing will not, in the judgment of the board, affect the result of
 928 administration of such test. These limitations shall not be interpreted by any court of law
 929 to include or otherwise exempt from inspection the records of any athletic association or
 930 other nonprofit entity promoting intercollegiate athletics;:

931 ~~(c)(1) All public records of hospital authorities shall be subject to this article except for~~
 932 ~~those otherwise excepted by this article or any other provision of law.~~

933 ~~(2)(38) All state officers and employees shall have a privilege to refuse to disclose~~
 934 Records disclosing the identity or personally identifiable information of any person
 935 participating in research on commercial, scientific, technical, medical, scholarly, or
 936 artistic issues conducted by the Department of Community Health, the Department of
 937 Behavioral Health and Developmental Disabilities, or a state institution of higher
 938 education whether sponsored by the institution alone or in conjunction with a
 939 governmental body or private entity. ~~Personally identifiable information shall mean any~~
 940 ~~information which if disclosed might reasonably reveal the identity of such person~~
 941 ~~including but not limited to the person's name, address, and social security number. The~~
 942 ~~identity of such informant shall not be admissible in evidence in any court of the state~~
 943 ~~unless the court finds that the identity of the informant already has been disclosed~~
 944 ~~otherwise.;~~

945 ~~(d)(39) This article shall not be applicable to any application submitted to or any Any~~
 946 permanent records maintained by a judge of the probate court pursuant to Code
 947 Section 16-11-129, relating to weapons carry licenses, or pursuant to any other
 948 requirement for maintaining records relative to the possession of firearms.—~~This~~
 949 ~~subsection shall not preclude law enforcement agencies from obtaining, except to the~~
 950 extent that such records relating to licensing and possession of firearms are sought by law
 951 enforcement agencies as provided by law.;

952 ~~(e) This article shall not be construed to repeal:~~

953 ~~(1)(40) The Records containing communications subject to the attorney-client privilege~~
 954 ~~recognized by state law to the extent that a record pertains to the requesting or giving of~~
 955 ~~legal advice or the disclosure of facts concerning or pertaining to they involve pending~~
 956 or potential litigation, settlement, claims, administrative proceedings, or other judicial
 957 actions brought or to be brought by or against the agency or any officer or employee;
 958 ~~provided, however, attorney-client. Attorney-client information, however, may be~~
 959 obtained in a proceeding under Code Section 50-18-73 to prove justification or lack
 960 thereof in refusing disclosure of documents under this Code section provided the judge
 961 of the court in which said proceeding is pending shall first determine by an in camera
 962 examination that such disclosure would be relevant on that issue;

963 ~~(2)(41) The confidentiality of Confidential attorney work product; or~~

964 ~~(3)(42) State laws making certain Records containing tax matters or tax information that~~
 965 is confidential: under state or federal law;

966 ~~(f)(1) As used in this article, the term:~~

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

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

972 ~~(2)(43) This article shall not be applicable to Records consisting of any computer~~
 973 ~~program or computer software used or maintained in the course of operation of a public~~
 974 ~~office or agency; provided, however, that data generated, kept, or received by an agency~~
 975 ~~shall be subject to inspection and copying as provided in this article; or~~

976 ~~(44) Any record that would not be subject to discovery or be admissible in evidence~~
 977 ~~under 23 U.S.C. Section 409.~~

978 ~~(g)(b) This Code section shall be interpreted narrowly so as to exclude from disclosure~~
 979 ~~only that portion of a public record to which an exclusion is directly applicable. It shall be~~
 980 ~~the duty of the agency having custody of a record to provide all other portions of a record~~
 981 ~~for public inspection or copying.~~

982 ~~(h) Within the three business days applicable to response to a request for access to records~~
 983 ~~under this article, the public officer or agency having control of such record or records, if~~
 984 ~~access to such record or records is denied in whole or in part, shall specify in writing the~~
 985 ~~specific legal authority exempting such record or records from disclosure, by Code section,~~
 986 ~~subsection, and paragraph. No addition to or amendment of such designation shall be~~
 987 ~~permitted thereafter or in any proceeding to enforce the terms of this article; provided,~~
 988 ~~however, that such designation may be amended or supplemented one time within five days~~
 989 ~~of discovery of an error in such designation or within five days of the institution of an~~
 990 ~~action to enforce this article, whichever is sooner; provided, further, that the right to amend~~
 991 ~~or supplement based upon discovery of an error may be exercised on only one occasion.~~
 992 ~~In the event that such designation includes provisions not relevant to the subject matter of~~
 993 ~~the request, costs and reasonable attorney's fees may be awarded pursuant to Code Section~~
 994 ~~50-18-73.~~

995 50-18-73.

996 (a) The superior courts of this state shall have jurisdiction in law and in equity to entertain
 997 actions against persons or agencies having custody of records open to the public under this
 998 article to enforce compliance with the provisions of this article. Such actions may be
 999 brought by any person, firm, corporation, or other entity. In addition, the Attorney General
 1000 shall have authority to bring such actions, ~~either civil or criminal~~, in his or her discretion
 1001 as may be appropriate to enforce compliance with this article and to seek either civil or
 1002 criminal penalties or both.

1003 (b) In any action brought to enforce the provisions of this chapter in which the court
 1004 determines that either party acted without substantial justification either in not complying
 1005 with this chapter or in instituting the litigation, the court shall, unless it finds that special
 1006 circumstances exist, assess in favor of the complaining party reasonable attorney's fees and
 1007 other litigation costs reasonably incurred. Whether the position of the complaining party
 1008 was substantially justified shall be determined on the basis of the record as a whole which
 1009 is made in the proceeding for which fees and other expenses are sought.

1010 (c) Any agency or person who provides access to information in good faith reliance on the
 1011 requirements of this chapter shall not be liable in any action on account of ~~having provided~~
 1012 ~~access to such information~~ such decision.

1013 50-18-74.

1014 (a) Any person or entity knowingly and willfully violating the provisions of this article by
 1015 failing or refusing to provide access to records not subject to exemption from this article,
 1016 ~~or by knowingly and willingly~~ failing or refusing to provide access to such records within
 1017 the time limits set forth in this article, or by knowingly and willingly attempting to frustrate
 1018 the access to records by intentionally making records difficult to obtain or review shall be
 1019 guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed
 1020 \$1,000.00 of the first violation. Alternatively, a fine may be imposed by the court in any
 1021 civil or criminal action brought pursuant to this article against any person who knowingly
 1022 and willfully violates the terms of this article in an amount not to exceed \$100.00
 1023 \$1,000.00 for the first violation. A fine not to exceed \$2,500.00 per violation may be
 1024 imposed for each additional violation that the violator commits within a 12 month period
 1025 from the date the first fine was imposed. In addition, persons or entities who destroy
 1026 records for the purpose of preventing their disclosure under this article may be subject to
 1027 prosecution under Code Section 45-11-1.

1028 (b) ~~A prosecution under this Code section may only be commenced by issuance of a~~
 1029 ~~citation in the same manner as an arrest warrant for a peace officer pursuant to Code~~
 1030 ~~Section 17-4-40, which citation shall be personally served upon the accused. The defendant~~
 1031 ~~shall not be arrested prior to the time of trial, except that a defendant who fails to appear~~
 1032 ~~for arraignment or trial may thereafter be arrested pursuant to a bench warrant and required~~
 1033 ~~to post a bond for his or her future appearance~~ It shall be a defense to any criminal action
 1034 under this Code section that a person has acted in good faith in his or her actions.

1035 50-18-75.

1036 Communications between the Office of Legislative Counsel and the following persons shall
 1037 be privileged and confidential: members of the General Assembly, the Lieutenant

1038 Governor, and persons acting on behalf of such public officers; and such communications,
 1039 and records and work product relating to such communications, shall not be subject to
 1040 inspection or disclosure under this article or any other law or under judicial process;
 1041 provided, however, that this privilege shall not apply where it is waived by the affected
 1042 public officer or officers. The privilege established under this Code section is in addition
 1043 to any other constitutional, statutory, or common law privilege.

1044 50-18-76.

1045 No form, document, or other written matter which is required by law or rule or regulation
 1046 to be filed as a vital record under the provisions of Chapter 10 of Title 31, which contains
 1047 information which is exempt from disclosure under Code Section 31-10-25, and which is
 1048 temporarily kept or maintained in any file or with any other documents in the office of the
 1049 judge or clerk of any court prior to filing with the Department of Community Health shall
 1050 be open to inspection by the general public, even though the other papers or documents in
 1051 such file may be open to inspection.

1052 50-18-77.

1053 The procedures and fees provided for in this article shall not apply to public records,
 1054 including records that are exempt from disclosure pursuant to Code Section 50-18-72,
 1055 which are requested in writing by a state or federal grand jury, taxing authority, law
 1056 enforcement agency, or prosecuting attorney in conjunction with an ongoing
 1057 administrative, criminal, or tax investigation. The lawful custodian shall provide copies of
 1058 such records to the requesting agency unless such records are privileged or disclosure to
 1059 such agencies is specifically restricted by law."

1060

SECTION 3.

1061 Code Section 15-16-10 of the Official Code of Georgia Annotated, relating to duties of
 1062 sheriffs, is amended by revising paragraph (10) of subsection (a) as follows:

1063 "(10) To develop and implement a comprehensive plan for the security of the county
 1064 courthouse and any courthouse annex. Prior to the implementation of any security plan,
 1065 the plan shall be submitted to the chief judge of the superior court of the circuit wherein
 1066 the courthouse or courthouse annex is located for review. The chief judge shall have 30
 1067 days to review the original or any subsequent security plan. The chief judge may make
 1068 modifications to the original or any subsequent security plan. The sheriff shall provide
 1069 to the county governing authority the estimated cost of any security plan and a schedule
 1070 for implementation 30 days prior to adoption of any security plan. A comprehensive
 1071 plan for courthouse security shall be considered a confidential matter of public security.

1072 Review of a proposed security plan by the governing authority shall be excluded from the
 1073 requirements of Code Section 50-14-1 and any such review shall take place as provided
 1074 in Code Section 50-14-3. Such security plan shall also be excluded from public
 1075 disclosure pursuant to paragraph ~~(15)~~ (23) of subsection (a) of Code Section 50-18-72.
 1076 The sheriff shall be the official custodian of the comprehensive courthouse security plan
 1077 and shall determine who has access to such plan and any such access and review shall
 1078 occur in the sheriff's office or at a meeting of the county governing authority held as
 1079 provided in paragraph (9) of Code Section 50-14-3; provided, however, that the sheriff
 1080 shall make the original security plan available upon request for temporary, exclusive
 1081 review by any judge whose courtroom or chambers is located within the courthouse or
 1082 courthouse annex or by any commissioner of the county in which the courthouse or
 1083 courthouse annex is located. The sheriff shall be responsible to conduct a formal review
 1084 of the security plan not less than every four years."

1085 SECTION 4.

1086 Code Section 38-3-152 of the Official Code of Georgia Annotated, relating to creation and
 1087 operation of building mapping information system, availability to government agencies, rules
 1088 and regulations, federal funding sources, exemption of information from public disclosure,
 1089 recommendations for training guidelines, and limitations, is amended by revising
 1090 subsection (f) as follows:
 1091 "(f) Information provided to the agency under this article shall be exempt from public
 1092 disclosure to the extent provided in paragraph ~~(21)~~ (29) of subsection (a) of Code
 1093 Section 50-18-72."

1094 SECTION 5.

1095 Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of
 1096 records of applications for licenses and information on licensees and furnishing of
 1097 information, is amended by revising subsection (b) as follows:
 1098 "(b) The records maintained by the department on individual drivers are exempt from any
 1099 law of this state requiring that such records be open for public inspection; provided,
 1100 however, that initial arrest reports, incident reports, and the records pertaining to
 1101 investigations or prosecutions of criminal or unlawful activity shall be subject to disclosure
 1102 pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72 and related
 1103 provisions. Georgia Uniform Motor Vehicle Accident Reports shall be subject to
 1104 disclosure pursuant to paragraph ~~(4.1)~~ (5) of subsection (a) of Code Section 50-18-72. The
 1105 department shall not make records or personal information available on any driver except

1106 as otherwise provided in this Code section or as otherwise specifically required by 18
1107 U.S.C. Section 2721."

1108 **SECTION 6.**

1109 All laws and parts of laws in conflict with this Act are repealed.