

The House Committee on Judiciary offers the following substitute to HB 397:

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 body 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) 'Executive session' means a portion of a meeting lawfully closed to the public.

40 (3)(A) 'Meeting' means the:

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

44 (ii) The gathering of a quorum of any committee of it's ~~the~~ members of the governing
 45 body of an agency or a quorum of any committee created by ~~such~~ ~~the~~ governing body;
 46 ~~whether standing or special, pursuant to schedule, call, or notice of or from such~~
 47 ~~governing body or committee or an authorized member, at a designated time and~~
 48 ~~place at which any public matter, official business, or policy of the agency is to be~~
 49 ~~discussed or presented or at which official action is to be taken or, in the case of a~~
 50 ~~committee, recommendations on any public matter, at which any official business, or~~
 51 ~~policy to the governing body are to be,~~ or public matter of the committee is
 52 formulated, presented, ~~or~~ discussed, or voted upon.

53 (B) 'Meeting' shall not include:

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

61 (ii) The gathering of a quorum of the members of a governing body or committee for
 62 the purpose of attending state-wide, multijurisdictional, or regional meetings to
 63 participate in seminars or courses of training on matters related to the purpose of the
 64 agency or to receive or discuss information on matters related to the purpose of the
 65 agency at which no official action is to be taken by the members;

66 (iii) The gathering of a quorum of the members of a governing body or committee for
 67 the purpose of meeting with officials of the legislative or executive branches of the
 68 state or federal government at state or federal offices and at which no official action
 69 is to be taken by the members;

70 (iv) The gathering of a quorum of the members of a governing body of an agency for
 71 the purpose of traveling to a meeting or gathering as otherwise authorized by this
 72 subsection so long as no official business, policy, or public matter is formulated,
 73 presented, discussed, or voted upon by the quorum; or

74 (v) The gathering of a quorum of the members of a governing body of an agency at
 75 social, ceremonial, civic, or religious events so long as no official business, policy,
 76 or public matter is formulated, presented, discussed, or voted upon by the quorum.

77 This subparagraph's exclusions from the definition of the term 'meeting' shall not apply
 78 if it is shown that the primary purpose of the gathering or gatherings is to evade or
 79 avoid the requirements for conducting a meeting while discussing or conducting official
 80 business.

81 (b)(1) Except as otherwise provided by law, all meetings ~~as defined in subsection (a) of~~
 82 ~~this Code section~~ shall be open to the public. All votes at any meeting shall be taken in
 83 public after due notice of the meeting and compliance with the posting and agenda
 84 requirements of this chapter.

85 (2) Any resolution, rule, regulation, ordinance, or other official action of an agency
 86 adopted, taken, or made at a meeting which is not open to the public as required by this
 87 chapter shall not be binding. Any action contesting a resolution, rule, regulation,
 88 ordinance, or other formal action of an agency based on an alleged violation of this
 89 provision ~~must~~ shall be commenced within 90 days of the date such contested action was
 90 taken, ~~provided that~~ or, if the meeting was held in a manner not permitted by law, within
 91 90 days from the date the party alleging the violation knew or should have known about
 92 the alleged violation so long as such date is not more than six months after the date the
 93 contested action was taken.

94 (3) Notwithstanding the provisions of paragraph (2) of this subsection, any action under
 95 this chapter contesting a zoning decision of a local governing authority shall be
 96 commenced within the time allowed by law for appeal of such zoning decision.

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

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

108 (2) For any meeting, other than a regularly scheduled meeting of the agency for which
 109 notice has already been provided pursuant to this chapter, ~~Whenever any meeting~~
 110 ~~required to be open to the public is to be held at a time or place other than at the time and~~
 111 ~~place prescribed for regular meetings, the agency shall give due notice thereof. 'Due~~
 112 ~~notice' shall be the posting of a written notice for at least 24 hours at the place of regular~~
 113 ~~meetings and giving of written or oral notice shall be given~~ at least 24 hours in advance
 114 of the meeting to the legal organ in which notices of sheriff's sales are published in the
 115 county where regular meetings are held or at the option of the agency to a newspaper
 116 having a general circulation in ~~said~~ such county at least equal to that of the legal organ;
 117 provided, however, that, in counties where the legal organ is published less often than
 118 four times weekly ~~'due notice'~~, sufficient notice shall be the posting of a written notice
 119 for at least 24 hours at the place of regular meetings and, upon written request from any
 120 local broadcast or print media outlet whose place of business and physical facilities are
 121 located in the county, notice by telephone ~~or,~~ facsimile, or e-mail to that requesting media
 122 outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a
 123 legal organ or other newspaper, that publication shall immediately or as soon as
 124 practicable make the information available upon inquiry to any member of the public.
 125 Upon written request from any local broadcast or print media outlet, a copy of the
 126 meeting's agenda shall be provided by facsimile, e-mail, or mail through a self-addressed,
 127 stamped envelope provided by the requestor.

128 (3) When special circumstances occur and are so declared by an agency, that agency may
 129 hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and
 130 subjects expected to be considered at the meeting as is reasonable under the
 131 circumstances, including notice to ~~said~~ the county legal organ or a newspaper having a
 132 general circulation in the county at least equal to that of the legal organ, in which event
 133 the reason for holding the meeting within 24 hours and the nature of the notice shall be

134 recorded in the minutes. ~~Whenever notice is given to a legal organ or other newspaper,~~
 135 ~~that publication shall immediately make the information available upon inquiry to any~~
 136 ~~member of the public. Any oral notice required or permitted by this subsection may be~~
 137 ~~given by telephone. Such reasonable notice shall also include, upon written request~~
 138 ~~within the previous calendar year from any local broadcast or print media outlet whose~~
 139 ~~place of business and physical facilities are located in the county, notice by telephone,~~
 140 ~~facsimile, or e-mail to that requesting media outlet.~~

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

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

152 (B) The regular minutes of a meeting ~~of any agency~~ subject to this chapter shall be
 153 promptly recorded and such records shall be open to public inspection once approved
 154 as official by the agency or its committee, but in no case later than immediately
 155 following ~~the its~~ next regular meeting ~~of the agency~~; provided, however, that nothing
 156 contained in this chapter shall prohibit the earlier release of minutes, whether approved
 157 by the agency or not. Such ~~Said~~ minutes shall, as at a minimum, include the names of
 158 the members present at the meeting, a description of each motion or other proposal
 159 made, the identity of the persons making and seconding the motion or other proposal,
 160 and a record of all votes. ~~In the case of a roll-call vote the~~ The name of each person
 161 voting for or against a proposal shall be recorded ~~and in all other cases it.~~ It shall be
 162 presumed that the action taken was approved by each person in attendance unless the
 163 minutes reflect the name of the persons voting against the proposal or abstaining.

164 (C) Minutes of executive sessions shall also be recorded but shall not be open to the
 165 public. Such minutes shall specify each issue discussed in executive session by the
 166 agency or committee. In the case of executive sessions where matters subject to the
 167 attorney-client privilege are discussed, the fact that an attorney-client discussion
 168 occurred and its subject shall be identified, but the substance of the discussion need not
 169 be recorded and shall not be identified in the minutes. Such minutes shall be kept and

170 preserved for in camera inspection by an appropriate court should a dispute arise as to
 171 the propriety of any executive session.

172 (f) An agency with state-wide jurisdiction or committee of such an agency shall be
 173 authorized to conduct meetings by ~~telecommunications conference~~ teleconference,
 174 provided that any such meeting is conducted in compliance with this chapter.

175 (g) Under circumstances necessitated by emergency conditions involving public safety or
 176 the preservation of property or public services, agencies or committees thereof not
 177 otherwise permitted by subsection (f) of this Code section to conduct meetings by
 178 teleconference may meet by means of teleconference so long as the notice required by this
 179 chapter is provided and means are afforded for the public to have simultaneous access to
 180 the teleconference meeting. On any other occasion of the meeting of an agency or
 181 committee thereof, and so long as a quorum is present in person, a member may participate
 182 by teleconference if necessary due to reasons of health or absence from the jurisdiction so
 183 long as the other requirements of this chapter are met. Absent emergency conditions or the
 184 written opinion of a physician or other health professional that reasons of health prevent
 185 a member's physical presence, no member shall participate by teleconference pursuant to
 186 this subsection more than twice in one calendar year.

187 50-14-2.

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

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

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

197 50-14-3.

198 (a) This chapter shall not apply to the following:

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

201 (2) The deliberations and voting of the State Board of Pardons and Paroles; and in
 202 addition ~~said~~ such board may close a meeting held for the purpose of receiving
 203 information or evidence for or against clemency or in revocation proceedings if it

204 determines that the receipt of such information or evidence in open meeting would
205 present a substantial risk of harm or injury to a witness;

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

208 (4) Adoptions and proceedings related thereto;

209 (5) Gatherings involving an agency and one or more neutral third parties in mediation
210 of a dispute between the agency and any other party. In such a gathering, the neutral
211 party may caucus jointly or independently with the parties to the mediation to facilitate
212 a resolution to the conflict, and any such caucus shall not be subject to the requirements
213 of this chapter. Any decision or resolution agreed to by an agency at any such caucus
214 shall not become effective until ratified in a public meeting and the terms of any such
215 decision or resolution are disclosed to the public. Any final settlement agreement,
216 memorandum of agreement, memorandum of understanding, or other similar document,
217 however denominated, in which an agency has formally resolved a claim or dispute shall
218 be subject to the provisions of Article 4 of Chapter 18 of this title;

219 (6) Meetings:

220 (A) Of any medical staff committee of a public hospital;

221 (B) Of the governing authority of a public hospital or any committee thereof when
222 performing a peer review or medical review function as set forth in Code Section
223 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other applicable
224 federal or state statute or regulation; and

225 (C) Of the governing authority of a public hospital or any committee thereof in which
226 the granting, restriction, or revocation of staff privileges or the granting of abortions
227 under state or federal law is discussed, considered, or voted upon;

228 (7) Incidental conversation unrelated to the business of the agency; or

229 (8) E-mail communications among members of an agency; provided, however, that such
230 communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this
231 title.

232 (b) Subject to compliance with the other provisions of this chapter, executive sessions shall
233 be permitted for:

234 ~~(4)(1) Meetings when any agency is discussing the future acquisition, disposal, or lease~~
235 ~~of real estate, except that such meetings shall be subject to the requirements of this~~
236 ~~chapter for the giving of the notice of such a meeting to the public and preparing the~~
237 ~~minutes of such a meeting; provided, however, the disclosure of such portions of the~~
238 ~~minutes as would identify real estate to be acquired may be delayed until such time as the~~
239 ~~acquisition of the real estate has been completed, terminated, or abandoned or court~~

240 ~~proceedings with respect thereto initiated;~~ It shall not be a violation of this chapter for
 241 an agency to vote in executive session to:

242 (A) Authorize the settlement of any matter which may be properly discussed in
 243 executive session in accordance with paragraph (1) of Code Section 50-14-2;

244 (B) Authorize negotiations to purchase, dispose of, or lease property;

245 (C) Authorize the ordering of an appraisal related to the acquisition of real estate;

246 (D) Enter into a contract to purchase, dispose of, or lease property subject to approval
 247 in a subsequent public vote; or

248 (E) Enter into an option to purchase, dispose of, or lease real estate subject to approval
 249 in subsequent public vote.

250 No vote in executive session to acquire, dispose of, or lease real estate, or to settle
 251 litigation, claims, or administrative proceedings, shall be binding on an agency until a
 252 subsequent vote is taken in an open meeting where the identity of the property and the
 253 terms of the acquisition, disposal, or lease are disclosed before the vote or where the
 254 parties and principal settlement terms are disclosed before the vote;

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

258 ~~(6)~~(2) Meetings when discussing or deliberating upon the appointment, employment,
 259 compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of
 260 a public officer or employee ~~but not when receiving evidence or interviewing applicants~~
 261 for the position of the executive head of an agency. This exception shall not apply to the
 262 receipt of evidence or when hearing argument on charges filed to determine personnel
 263 matters, including whether to impose disciplinary action or dismissal of dismiss a public
 264 officer or employee or when considering or discussing matters of policy regarding the
 265 employment or hiring practices of the agency. The vote on any matter covered by this
 266 paragraph shall be taken in public and minutes of the meeting as provided in this chapter
 267 shall be made available. Meetings by an agency to discuss or take action on the filling
 268 of a vacancy in the membership of the agency itself shall at all times be open to the public
 269 as provided in this chapter;

270 ~~(7) Adoptions and proceedings related thereto;~~

271 ~~(8)~~(3) Meetings of the board of trustees or the investment committee of any public
 272 retirement system created by or subject to Title 47 when such board or committee is
 273 discussing matters pertaining to investment securities trading or investment portfolio
 274 positions and composition; and

275 ~~(9)~~(4) Portions of meetings during which that portion of a record made ~~Meetings when~~
 276 ~~discussing any records that are~~ exempt from public inspection or disclosure pursuant to

277 ~~paragraph (15) of subsection (a) of Code Section 50-18-72, when discussing any~~
 278 ~~information a record of which would be exempt from public inspection or disclosure~~
 279 ~~under said paragraph, or when reviewing or discussing any security plan under~~
 280 ~~consideration pursuant to paragraph (10) of subsection (a) of Code Section 15-16-10~~
 281 Article 4 of Chapter 18 of this title is to be considered by an agency and there are no
 282 reasonable means by which the agency can consider the record without disclosing the
 283 exempt portions if the meeting were not closed.

284 50-14-4.

285 (a) When any meeting of an agency is closed to the public pursuant to any provision of this
 286 chapter, the specific reasons for such closure shall be entered upon the official minutes, the
 287 meeting shall not be closed to the public except by a majority vote of a quorum present for
 288 the meeting, the minutes shall reflect the names of the members present and the names of
 289 those voting for closure, and that part of the minutes shall be made available to the public
 290 as any other minutes. Where a meeting of an agency is devoted in part to matters within
 291 the exceptions provided by law, any portion of the meeting not subject to any such
 292 exception, privilege, or confidentiality shall be open to the public, and the minutes of such
 293 portions not subject to any such exception shall be taken, recorded, and open to public
 294 inspection as provided in subsection (e) of Code Section 50-14-1.

295 (b)(1) When any meeting of an agency is closed to the public pursuant to subsection (a)
 296 of this Code section, the ~~chairperson or other~~ person presiding over such meeting or, if
 297 the agency's policy so provides, each member of the governing body of the agency
 298 attending such meeting, shall execute and file with the official minutes of the meeting a
 299 notarized affidavit stating under oath that the subject matter of the meeting or the closed
 300 portion thereof was devoted to matters within the exceptions provided by law and
 301 identifying the specific relevant exception.

302 (2) In the event that one or more persons in an executive session initiates a discussion
 303 that is not authorized pursuant to Code Section 50-14-3, the presiding officer shall
 304 immediately rule the discussion out of order and all present shall cease the questioned
 305 conversation. If one or more persons continue or attempt to continue the discussion after
 306 being ruled out of order, the presiding officer shall immediately adjourn the executive
 307 session.

308 50-14-5.

309 (a) The superior courts of this state shall have jurisdiction to enforce compliance with the
 310 provisions of this chapter, including the power to grant injunctions or other equitable relief.
 311 In addition to any action that may be brought by any person, firm, corporation, or other

312 entity, the Attorney General shall have authority to bring enforcement actions, either civil
 313 or criminal, in his or her discretion as may be appropriate to enforce compliance with this
 314 chapter.

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

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

325 50-14-6.

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

336 **SECTION 2.**

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

339 "ARTICLE 4

340 50-18-70.

341 (a) The General Assembly finds and declares that the strong public policy of this state is
 342 in favor of open government; that open government is essential to a free, open, and
 343 democratic society; and that public access to public records should be encouraged to foster
 344 confidence in government and so that the public can evaluate the expenditure of public

345 funds and the efficient and proper functioning of its institutions. The General Assembly
 346 further finds and declares that there is a strong presumption that public records should be
 347 made available for public inspection without delay. This article shall be broadly construed
 348 to allow the inspection of governmental records. The exceptions set forth in this article,
 349 together with any other exception located elsewhere in the Code, shall be interpreted
 350 narrowly to exclude only those portions of records addressed by such exception.

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

352 (1) 'Agency' shall have the same meaning as in Code Section 50-14-1 and shall
 353 additionally include any association, corporation, or other similar organization that has
 354 a membership or ownership body composed primarily of counties, municipal
 355 corporations, or school districts of this state, their officers, or any combination thereof
 356 and derives more than 33 1/3 percent of its general operating budget from payments from
 357 such political subdivisions.

358 (2) 'Public record' means 'public record' shall mean all documents, papers, letters, maps,
 359 books, tapes, photographs, computer based or generated information, data, data fields, or
 360 similar material prepared and maintained or received by an agency or by a private person
 361 or entity in the performance of a service or function for or on behalf of an agency or when
 362 such documents have been transferred to a private person or entity by an agency for
 363 storage or future governmental use. in the course of the operation of a public office or
 364 agency. 'Public record' shall also mean such items received or maintained by a private
 365 person or entity on behalf of a public office or agency which are not otherwise subject to
 366 protection from disclosure; provided, however, this Code section shall be construed to
 367 disallow an agency's placing or causing such items to be placed in the hands of a private
 368 person or entity for the purpose of avoiding disclosure. Records received or maintained
 369 by a private person, firm, corporation, or other private entity in the performance of a
 370 service or function for or on behalf of an agency, a public agency, or a public office shall
 371 be subject to disclosure to the same extent that such records would be subject to
 372 disclosure if received or maintained by such agency, public agency, or public office. As
 373 used in this article, the term 'agency' or 'public agency' or 'public office' shall have the
 374 same meaning and application as provided for in the definition of the term 'agency' in
 375 paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally include
 376 any association, corporation, or other similar organization which: (1) has a membership
 377 or ownership body composed primarily of counties, municipal corporations, or school
 378 districts of this state or their officers or any combination thereof; and (2) derives a
 379 substantial portion of its general operating budget from payments from such political
 380 subdivisions.

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

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

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

392 ~~(e) In a pending proceeding under Chapter 13 of this title, the 'Georgia Administrative~~
393 ~~Procedure Act,' or under any other administrative proceeding authorized under Georgia~~
394 ~~law, a party may not access public records pertaining to the subject of the proceeding~~
395 ~~pursuant to this article without the prior approval of the presiding administrative law judge,~~
396 ~~who shall consider such open record request in the same manner as any other request for~~
397 ~~information put forth by a party in such a proceeding. This subsection shall not apply to~~
398 ~~any proceeding under Chapter 13 of this title, relating to the revocation, suspension,~~
399 ~~annulment, withdrawal, or denial of a professional education certificate, as defined in Code~~
400 ~~Section 20-2-200, or any personnel proceeding authorized under Part 7 and Part 11 of~~
401 ~~Article 17 and Article 25 of Chapter 2 of Title 20.~~

402 ~~(f) The individual in control of such public record or records shall have a reasonable~~
403 ~~amount of time to determine whether or not the record or records requested are subject to~~
404 ~~access under this article and to permit inspection and copying. In no event shall this time~~
405 ~~exceed three business days. Where responsive records exist but are not available within~~
406 ~~three business days of the request, a written description of such records, together with a~~
407 ~~timetable for their inspection and copying, shall be provided within that period; provided,~~
408 ~~however, that records not subject to inspection under this article need not be made available~~
409 ~~for inspection and copying or described other than as required by subsection (h) of Code~~
410 ~~Section 50-18-72, and no records need be made available for inspection or copying if the~~
411 ~~public officer or agency in control of such records shall have obtained, within that period~~
412 ~~of three business days, an order based on an exception in this article of a superior court of~~
413 ~~this state staying or refusing the requested access to such records.~~

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

418 50-18-71.

419 (a) All public records shall be open for personal inspection and copying, except those
 420 which by order of a court of this state or by law are specifically exempted from disclosure.
 421 Records shall be maintained by agencies to the extent and in the manner required by Article
 422 5 of this chapter. ~~In all cases where an interested member of the public has a right to~~
 423 ~~inspect or take extracts or make copies from any public records, instruments, or documents,~~
 424 ~~any such person shall have the right of access to the records, documents, or instruments for~~
 425 ~~the purpose of making photographs or reproductions of the same while in the possession,~~
 426 ~~custody, and control of the lawful custodian thereof, or his authorized deputy. Such work~~
 427 ~~shall be done under the supervision of the lawful custodian of the records, who shall have~~
 428 ~~the right to adopt and enforce reasonable rules governing the work. The work shall be done~~
 429 ~~in the room where the records, documents, or instruments are kept by law. While the work~~
 430 ~~is in progress, the custodian may charge the person making the photographs or~~
 431 ~~reproductions of the records, documents, or instruments at a rate of compensation to be~~
 432 ~~agreed upon by the person making the photographs and the custodian for his services or the~~
 433 ~~services of a deputy in supervising the work.~~

434 (b)(1)(A) Agencies shall produce for inspection all records responsive to a request
 435 within a reasonable amount of time not to exceed three business days of receipt of a
 436 request; provided, however, that nothing in this chapter shall require agencies to
 437 produce records in response to a request if such records did not exist at the time of the
 438 request. In those instances where some, but not all, records are available within three
 439 business days, an agency shall make available within that period those records that can
 440 be located and produced. In any instance where records are unavailable within three
 441 business days of receipt of the request, and responsive records exist, the agency shall,
 442 within such time period, provide the requester with a description of such records and
 443 a timeline for when the records will be available for inspection or copying and provide
 444 the responsive records or access thereto as soon as practicable. ~~Where fees for certified~~
 445 ~~copies or other copies or records are specifically authorized or otherwise prescribed by~~
 446 ~~law, such specific fee shall apply.~~

447 (B) A request made pursuant to this article may be made to the custodian of a public
 448 record orally or in writing. An agency may, but shall not be obligated to, require that
 449 all written requests be made upon the responder's choice of one of the following: the
 450 agency's director, chairperson, or chief executive officer, however denominated; the
 451 senior official at any satellite office of an agency; a clerk specifically designated by an
 452 agency as the custodian of agency records; or a duly designated open records officer of
 453 an agency; provided, however, that the absence or unavailability of the designated
 454 agency officer or employee shall not be permitted to delay the agency's response. At

455 the time of inspection, any person may make photographic copies or other electronic
 456 reproductions of the records using suitable portable devices brought to the place of
 457 inspection. Notwithstanding any other provision of this chapter, an agency may, in its
 458 discretion, provide copies of a record in lieu of providing access to the record when
 459 portions of the record contain confidential information that must be redacted.

460 (2) Any agency that designates one or more open records officers upon whom requests
 461 for inspection or copying of records may be delivered shall make such designation in
 462 writing and shall immediately provide notice to any person upon request, orally or in
 463 writing, of those open records officers. If the agency has elected to designate an open
 464 records officer, the agency shall so notify the legal organ of the county in which the
 465 agency's principal offices reside and, if the agency has a website, shall also prominently
 466 display such designation on the agency's website. In the event an agency requires that
 467 requests be made upon the individuals identified in subparagraph (B) of paragraph (1) of
 468 this subsection, the three-day period for response to a written request shall not begin to
 469 run until the request is made in writing upon such individuals. An agency shall permit
 470 receipt of written requests by e-mail or facsimile transmission in addition to any other
 471 methods of transmission approved by the agency, provided such agency uses e-mail or
 472 facsimile in the normal course of its business.

473 (3) The enforcement provisions of Code Sections 50-18-73 and 50-18-74 shall be
 474 available only to enforce compliance and punish noncompliance when a written request
 475 is made consistent with this subsection and shall not be available when such request is
 476 made orally.

477 (c)(1) An agency may impose a reasonable charge for the search, retrieval, redaction, and
 478 production or copying costs for the production of records pursuant to this article. An
 479 agency shall utilize the most economical means reasonably calculated to identify and
 480 produce responsive, nonexcluded documents. Where fees for certified copies or other
 481 copies or records are specifically authorized or otherwise prescribed by law, such specific
 482 fee shall apply when certified copies or other records to which a specific fee may apply
 483 are sought. In all other instances, the charge for the search, retrieval, or redaction of
 484 records shall not exceed the prorated hourly salary of the lowest paid full-time employee
 485 who, in the reasonable discretion of the custodian of the records, has the necessary skill
 486 and training to perform the request; provided, however, that no charge shall be made for
 487 the first quarter hour. ~~Where no fee is otherwise provided by law, the agency may charge~~
 488 ~~and collect a uniform copying fee not to exceed 25¢ per page.~~

489 (2) In addition to a charge for the search, retrieval, or redaction of records, an agency
 490 may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter

491 or legal size documents or, in the case of other documents or electronic records, the actual
492 cost of the media on which the documents, records, or data are produced.

493 (3) Whenever any person has requested to inspect or copy a public record and does not
494 pay the cost for search, retrieval, redaction, or copying of such records when such charges
495 have been lawfully estimated and agreed to pursuant to this article, and the agency has
496 incurred the agreed-upon costs to make the records available, regardless of whether the
497 requester inspects or accepts copies of the records, the agency shall be authorized to
498 collect such charges in any manner authorized by law for the collection of taxes, fees, or
499 assessments by such agency.

500 (d) In any instance in which an agency is required to or has decided to withhold all or part
501 of a requested record, the agency shall notify the requester of the specific legal authority
502 exempting the requested record or records from disclosure by Code section, subsection, and
503 paragraph within a reasonable amount of time not to exceed three business days or in the
504 event the search and retrieval of records is delayed pursuant to this paragraph or pursuant
505 to subparagraph (b)(1)(A) of this Code section, then no later than three business days after
506 the records have been retrieved. In any instance in which an agency will seek costs in
507 excess of \$25.00 for responding to a request, the agency shall notify the requester within
508 a reasonable amount of time not to exceed three business days and inform the requester of
509 the estimate of the costs, and the agency may defer search and retrieval of the records until
510 the requester agrees to pay the estimated costs unless the requester has stated in his or her
511 request a willingness to pay an amount that exceeds the search and retrieval costs. In any
512 instance in which the estimated costs for production of the records exceeds \$500.00, an
513 agency may insist on prepayment of the costs prior to beginning search, retrieval, review,
514 or production of the records. Whenever any person who has requested to inspect or copy
515 a public record has not paid the cost for search, retrieval, redaction, or copying of such
516 records when such charges have been lawfully incurred, an agency may require prepayment
517 for compliance with all future requests for production of records from that person until the
518 costs for the prior production of records have been paid or the dispute regarding payment
519 resolved. In addition, a reasonable charge may be collected for search, retrieval, and other
520 direct administrative costs for complying with a request under this Code section. The
521 hourly charge shall not exceed the salary of the lowest paid full-time employee who, in the
522 discretion of the custodian of the records, has the necessary skill and training to perform
523 the request; provided, however, that no charge shall be made for the first quarter hour.

524 (e) Requests by civil litigants for records that are sought as part of or for use in any
525 ongoing civil or administrative litigation against an agency shall be made in writing and
526 copied to counsel of record for that agency contemporaneously with their submission to
527 that agency. The agency shall provide, at no cost, duplicate sets of all records produced

528 in response to the request to counsel of record for that agency unless the counsel of record
 529 for that agency elects not to receive the records. An agency shall utilize the most
 530 economical means available for providing copies of public records.

531 (f) As provided in this subsection, an agency's use of electronic record-keeping systems
 532 must not erode the public's right of access to records under this article. Agencies shall
 533 produce electronic copies of or, if the requester prefers, printouts of electronic records or
 534 data from data base fields that the agency maintains using the computer programs that the
 535 agency has in its possession. An agency shall not refuse to produce such electronic
 536 records, data, or data fields on the grounds that exporting data or redaction of exempted
 537 information will require inputting range, search, filter, report parameters, or similar
 538 commands or instructions into an agency's computer system so long as such commands or
 539 instructions can be executed using existing computer programs that the agency uses in the
 540 ordinary course of business to access, support, or otherwise manage the records or data.
 541 A requester may request that electronic records, data, or data fields be produced in the
 542 format in which such data or electronic records are kept by the agency, or in a standard
 543 export format such as a flat file electronic American Standard Code for Information
 544 Interchange (ASCII) format, if the agency's existing computer programs support such an
 545 export format. In such instance, the data or electronic records shall be downloaded in such
 546 format onto suitable electronic media by the agency. No public officer or agency shall be
 547 required to prepare new reports, summaries, or compilations not in existence at the time of
 548 the request. Where information requested is maintained by computer, an agency may
 549 charge the public its actual cost of a computer disk or tape onto which the information is
 550 transferred and may charge for the administrative time involved as set forth in subsection
 551 (d) of this Code section.

552 (g) Requests to inspect or copy electronic messages, whether in the form of e-mail, text
 553 message, or other format, should contain information about the messages that is reasonably
 554 calculated to allow the recipient of the request to locate the messages sought, including, if
 555 known, the name, title, or office of the specific person or persons whose electronic
 556 messages are sought and, to the extent possible, the specific data bases to be searched for
 557 such messages. Whenever any person has requested one or more copies of a public record
 558 and such person does not pay the copying charges and charges for search, retrieval, or other
 559 direct administrative costs in accordance with the provisions of this Code section:

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

563 (2) A municipal corporation or a department, agency, board, bureau, commission,
 564 authority, or similar body of a municipal corporation is authorized to collect such charges

565 in any manner authorized by law for the collection of taxes, fees, or assessments owed
 566 to the municipal corporation;

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

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

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

579 ~~(6) A joint or regional authority or instrumentality which serves one or more counties~~
 580 ~~and one or more municipal corporations, two or more counties, or two or more municipal~~
 581 ~~corporations is authorized to collect such charges in any manner authorized by law for~~
 582 ~~the collection of taxes, fees, or assessments owed to the county if a county is involved~~
 583 ~~with the authority or instrumentality or in any manner authorized by law for the collection~~
 584 ~~of taxes, fees, or assessments owed to the municipal corporation if a municipal~~
 585 ~~corporation is involved with the authority or instrumentality.~~

586 ~~This subsection shall apply whether or not the person requesting the copies has appeared~~
 587 ~~to receive the copies.~~

588 (h) In lieu of providing separate printouts or copies of records or data, an agency may
 589 provide access to records through a website accessible by the public. However, if an
 590 agency receives a request for data fields, an agency shall not refuse to provide the
 591 responsive data on the grounds that the data is available in whole or in its constituent parts
 592 through a website if the requester seeks the data in the electronic format in which it is kept.
 593 Additionally, if an agency contracts with a private vendor to collect or maintain public
 594 records, the agency shall ensure that the arrangement does not limit public access to those
 595 records.

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

600 ~~50-18-71.1.~~

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

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

610 ~~(1) A photograph;~~

611 ~~(2) A photocopy;~~

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

613 ~~(4) Another reproduction.~~

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

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

630 ~~50-18-71.2.~~

631 ~~Any agency receiving a request for public records shall be required to notify the party~~
632 ~~making the request of the estimated cost of the copying, search, retrieval, and other~~
633 ~~administrative fees authorized by Code Section 50-18-71 as a condition of compliance with~~
634 ~~the provisions of this article prior to fulfilling the request as a condition for the assessment~~

635 ~~of any fee; provided, however, that no new fees other than those directly attributable to~~
 636 ~~providing access shall be assessed where records are made available by electronic means.~~

637 50-18-72.

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

- 639 (1) Specifically required by federal statute or regulation to be kept confidential;
- 640 (2) Medical or veterinary records and similar files, the disclosure of which would be an
 641 invasion of personal privacy;
- 642 (3) Except as otherwise provided by law, records compiled for law enforcement or
 643 prosecution purposes to the extent that production of such records ~~would~~ is reasonably
 644 likely to disclose the identity of a confidential source, disclose confidential investigative
 645 or prosecution material which would endanger the life or physical safety of any person
 646 or persons, or disclose the existence of a confidential surveillance or investigation;
- 647 (4) Records of law enforcement, prosecution, or regulatory agencies in any pending
 648 investigation or prosecution of criminal or unlawful activity, other than initial police
 649 arrest reports and initial incident reports; provided, however, that an investigation or
 650 prosecution shall no longer be deemed to be pending when all direct litigation involving
 651 said such investigation and prosecution has become final or otherwise terminated; and
 652 provided, further, that this paragraph shall not apply to records in the possession of an
 653 agency that is the subject of the pending investigation or prosecution;
- 654 ~~(4.1)~~(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the
 655 submission of a written statement of need by the requesting party, ~~such statement~~ to be
 656 provided to the custodian of records and to set forth the need for the report pursuant to
 657 this Code section; provided, however, that any person or entity whose name or
 658 identifying information is contained in a Georgia Uniform Motor Vehicle Accident
 659 Report shall be entitled, either personally or through a lawyer or other representative, to
 660 receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle
 661 Accident Reports shall not be available in bulk for inspection or copying by any person
 662 absent a written statement showing the need for each such report pursuant to the
 663 requirements of this Code section. For the purposes of this subsection, the term 'need'
 664 means that the natural person or legal entity who is requesting in person or by
 665 representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:
- 666 (A) Has a personal, professional, or business connection with a party to the accident;
- 667 (B) Owns or leases an interest in property allegedly or actually damaged in the
 668 accident;
- 669 (C) Was allegedly or actually injured by the accident;
- 670 (D) Was a witness to the accident;

- 671 (E) Is the actual or alleged insurer of a party to the accident or of property actually or
 672 allegedly damaged by the accident;
- 673 (F) Is a prosecutor or a publicly employed law enforcement officer;
- 674 (G) Is alleged to be liable to another party as a result of the accident;
- 675 (H) Is an attorney stating that he or she needs the requested reports as part of a criminal
 676 case, or an investigation of a potential claim involving contentions that a roadway,
 677 railroad crossing, or intersection is unsafe;
- 678 (I) Is gathering information as a representative of a news media organization;
- 679 (J) Is conducting research in the public interest for such purposes as accident
 680 prevention, prevention of injuries or damages in accidents, determination of fault in an
 681 accident or accidents, or other similar purposes; provided, however, that this
 682 subparagraph ~~will~~ shall apply only to accident reports on accidents that occurred more
 683 than 30 days prior to the request and which shall have the name, street address,
 684 telephone number, and driver's license number redacted; or
- 685 (K) Is a governmental official, entity, or agency, or an authorized agent thereof,
 686 requesting reports for the purpose of carrying out governmental functions or legitimate
 687 governmental duties;
- 688 ~~(4.2)~~(6) Jury list data, including, but not limited to, persons' names, dates of birth,
 689 addresses, ages, race, gender, telephone numbers, social security numbers, and when it
 690 is available, the person's ethnicity, and other confidential identifying information that is
 691 collected and used by the Council of Superior Court Clerks of Georgia for creating,
 692 compiling, and maintaining state-wide master jury lists and county master jury lists for
 693 the purpose of establishing and maintaining county jury source lists pursuant to the
 694 provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge
 695 of a court having jurisdiction over a case in which a challenge to the array of the grand
 696 or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk
 697 of the county board of jury commissioners of any county shall provide data within the
 698 time limit established by the court for the limited purpose of such challenge. Neither the
 699 Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury
 700 commissioners shall be liable for any use or misuse of such data;
- 701 ~~(5)~~(7) Records ~~that consist~~ consisting of confidential evaluations submitted to, or
 702 examinations prepared by, a governmental agency and prepared in connection with the
 703 appointment or hiring of a public officer or employee; ~~and records~~
- 704 (8) Records consisting of material obtained in investigations related to the suspension,
 705 firing, or investigation of complaints against public officers or employees until ten days
 706 after the same has been presented to the agency or an officer for action or the

707 investigation is otherwise concluded or terminated, provided that this paragraph shall not
 708 be interpreted to make such investigatory records privileged;

709 ~~(6)(A)(9)~~ Real estate appraisals, engineering or feasibility estimates, or other records
 710 made for or by the state or a local agency relative to the acquisition of real property until
 711 such time as the property has been acquired or the proposed transaction has been
 712 terminated or abandoned; ~~and~~

713 ~~(B)(10) Pending Engineers' cost estimates and pending~~, rejected, or deferred sealed bids
 714 or sealed proposals and cost estimates related thereto until such time as the final award
 715 of the contract is made or the project is terminated or abandoned. ~~The provisions of this~~
 716 ~~subparagraph shall apply whether the bid or proposal is received or prepared by the~~
 717 ~~Department of Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county~~
 718 ~~pursuant to Article 3 of Chapter 4 of Title 32, by a municipality pursuant to Article 4 of~~
 719 ~~Chapter 4 of Title 32, or by a governmental entity pursuant to Article 2 of Chapter 91 of~~
 720 ~~Title 36, or the sealed bids or proposals are publicly opened, whichever first occurs;~~

721 ~~(7)(11) Records which~~ Notwithstanding any other provision of this article, an agency
 722 shall not be required to release those portions of records which would identify persons
 723 applying for or under consideration for employment or appointment as executive head of
 724 an agency as that term is defined in paragraph (1) of subsection (a) of Code Section
 725 50-14-1, or of a unit of the University System of Georgia; provided, however, that at least
 726 14 calendar days prior to the meeting at which final action or vote is to be taken on the
 727 position, ~~the agency shall release all documents which came into its possession with~~
 728 ~~respect to as many as~~ concerning as many as three persons under consideration whom the
 729 agency has determined to be the best qualified for the position ~~and from among whom~~
 730 ~~the agency intends to fill the position~~ shall be subject to inspection and copying. Prior
 731 to the release of these documents, an agency may allow such a person to decline being
 732 considered further for the position rather than have documents pertaining to ~~the~~ such
 733 person released. In that event, the agency shall release the documents of the next most
 734 qualified person under consideration who does not decline the position. If an agency has
 735 conducted its hiring or appointment process ~~open to the public~~ without conducting
 736 interviews in executive session in a manner otherwise consistent with Chapter 14 of this
 737 title, it shall not be required to delay 14 days to take final action on the position. The
 738 agency shall not be required to release such records ~~with respect to~~ of other applicants or
 739 persons under consideration, except at the request of any such person. Upon request, the
 740 hiring agency shall furnish the number of applicants and the composition of the list by
 741 such factors as race and sex. The agency shall not be allowed to avoid the provisions of
 742 this paragraph by the employment of a private person or agency to assist with the search
 743 or application process;

744 ~~(8)~~(12) Related to the provision of staff services to individual members of the General
 745 Assembly by the Legislative and Congressional Reapportionment Office, the Senate
 746 Research Office, or the House Budget and Research Office, provided that this exception
 747 shall not have any application ~~with respect~~ to records related to the provision of staff
 748 services to any committee or subcommittee or to any records which are or have been
 749 previously publicly disclosed by or pursuant to the direction of an individual member of
 750 the General Assembly;

751 ~~(9)~~(13) Records that are of historical research value which are given or sold to public
 752 archival institutions, public libraries, or libraries of a unit of the Board of Regents of the
 753 University System of Georgia when the owner or donor of such records wishes to place
 754 restrictions on access to the records. No restriction on access, however, may extend more
 755 than 75 years from the date of donation or sale. This exemption shall not apply to any
 756 records prepared in the course of the operation of state or local governments of the State
 757 of Georgia;

758 ~~(10)~~(14) Records that contain information from the Department of Natural Resources
 759 inventory and register relating to the location and character of a historic property or of
 760 historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2
 761 if the Department of Natural Resources through its Division of Historic Preservation
 762 determines that disclosure will create a substantial risk of harm, theft, or destruction to
 763 the property or properties or the area or place where the property or properties are
 764 located;

765 ~~(10.1)~~(15) Records of farm water use by individual farms as determined by
 766 water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105;
 767 provided, however, that compilations of such records for the 52 large watershed basins
 768 as identified by the eight-digit United States Geologic Survey hydrologic code or an
 769 aquifer that do not reveal farm water use by individual farms shall be subject to
 770 disclosure under this article;

771 ~~(10.2)~~(16) Agricultural or food system records, data, or information that are considered
 772 by the ~~Georgia~~ Department of Agriculture to be a part of the critical infrastructure,
 773 provided that nothing in this paragraph shall prevent the release of such records, data, or
 774 information to another state or federal agency if the release of such records, data, or
 775 information is necessary to prevent or control disease or to protect public health, safety,
 776 or welfare. As used in this paragraph, the term 'critical infrastructure' shall have the same
 777 meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be
 778 subject to disclosure only upon the order of a court of competent jurisdiction;

779 ~~(10.3)~~(17) Records, data, or information collected, recorded, or otherwise obtained that
 780 is deemed confidential by the ~~Georgia~~ Department of Agriculture for the purposes of the

781 national animal identification system, provided that nothing in this paragraph shall
 782 prevent the release of such records, data, or information to another state or federal agency
 783 if the release of such records, data, or information is necessary to prevent or control
 784 disease or to protect public health, safety, or welfare. As used in this paragraph, the term
 785 'national animal identification program' means a national program intended to identify
 786 animals and track them as they come into contact with or commingle with animals other
 787 than herd mates from their premises of origin. Such records, data, or information shall be
 788 subject to disclosure only upon the order of a court of competent jurisdiction;

789 ~~(11)~~(18) Records that contain ~~site-specific~~ site-specific information regarding the
 790 occurrence of rare species of plants or animals or the location of sensitive natural habitats
 791 on public or private property if the Department of Natural Resources determines that
 792 disclosure will create a substantial risk of harm, theft, or destruction to the species or
 793 habitats or the area or place where the species or habitats are located; provided, however,
 794 that the owner or owners of private property upon which rare species of plants or animals
 795 occur or upon which sensitive natural habitats are located shall be entitled to such
 796 information pursuant to this article;

797 ~~(11.1) An individual's social security number and insurance or medical information in~~
 798 ~~personnel records, which may be redacted from such records;~~

799 ~~(11.2)~~(19) Records that would reveal the names, home addresses, telephone numbers,
 800 security codes, e-mail addresses, or any other data or information developed, collected,
 801 or received by counties or municipalities in connection with neighborhood watch or
 802 public safety notification programs or with the installation, servicing, maintaining,
 803 operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other
 804 electronic security systems; provided, however, that initial police reports and initial
 805 incident reports shall remain subject to disclosure pursuant to paragraph (4) of this
 806 subsection;

807 ~~(11.3)~~(20)(A) Records that reveal an ~~An~~ individual's social security number, mother's
 808 birth name, credit card information, debit card information, bank account information,
 809 account number, ~~including~~ a utility account number, password used to access his or her
 810 account, financial data or information, ~~and~~ insurance or medical information in all
 811 records, ~~and~~ unlisted telephone number if so designated in a public record, personal
 812 e-mail address or cellular telephone number, if technically feasible at reasonable cost,
 813 day and month of birth, which and information regarding public utility, television,
 814 Internet, or telephone accounts held by private customers, provided that nonitemized
 815 bills showing amounts owed and amounts paid shall be available. Items exempted by
 816 this subparagraph shall be redacted prior to disclosure of any record requested pursuant
 817 to this article; provided, however, that such information shall not be redacted from such

818 records if the person or entity requesting such records requests such information in a
 819 writing signed under oath by such person or a person legally authorized to represent
 820 such entity which states that such person or entity is gathering information as a
 821 representative of a news media organization for use in connection with news gathering
 822 and reporting; and provided, further, that such access shall be limited to social security
 823 numbers and day and month of birth; and provided, further, that ~~this the~~ news media
 824 organization exception ~~for access to social security numbers and day and month of birth~~
 825 ~~and the other protected information set forth~~ in this subparagraph shall not apply to
 826 teachers, employees of a public school, or public employees as set forth in paragraph
 827 ~~(13.1) (21)~~ of this subsection. ~~For purposes of this subparagraph, the term 'public~~
 828 ~~employee' means any nonelected employee of the State of Georgia or its agencies,~~
 829 ~~departments, or commissions or any county or municipality or its agencies,~~
 830 ~~departments, or commissions.~~

831 (B) This paragraph shall have no application to:

- 832 (i) The disclosure of information contained in the records or papers of any court or
 833 derived therefrom including without limitation records maintained pursuant to
 834 Article 9 of Title 11;
- 835 (ii) The disclosure of information to a court, prosecutor, or publicly employed law
 836 enforcement officer, or authorized agent thereof, seeking records in an official
 837 capacity;
- 838 (iii) The disclosure of information to a public employee of this state, its political
 839 subdivisions, or the United States who is obtaining such information for
 840 administrative purposes, in which case, subject to applicable laws of the United
 841 States, further access to such information shall continue to be subject to the provisions
 842 of this paragraph;
- 843 (iv) The disclosure of information as authorized by the order of a court of competent
 844 jurisdiction upon good cause shown to have access to any or all of such information
 845 upon such conditions as may be set forth in such order;
- 846 (v) The disclosure of information to the individual in respect of whom such
 847 information is maintained, with the authorization thereof, or to an authorized agent
 848 thereof; provided, however, that the agency maintaining such information shall
 849 require proper identification of such individual or such individual's agent, or proof of
 850 authorization, as determined by such agency;
- 851 (vi) The disclosure of the day and month of birth and mother's birth name of a
 852 deceased individual;

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

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

860 (ix) The disclosure of information necessary to comply with legal or regulatory
 861 requirements or for legitimate law enforcement purposes; or

862 (x) The disclosure of the date of birth within criminal records.

863 (C) Records and information disseminated pursuant to this paragraph may be used only
 864 by the authorized recipient and only for the authorized purpose. Any person who
 865 obtains records or information pursuant to the provisions of this paragraph and
 866 knowingly and willfully discloses, distributes, or sells such records or information to
 867 an unauthorized recipient or for an unauthorized purpose shall be guilty of a
 868 misdemeanor of a high and aggravated nature and upon conviction thereof shall be
 869 punished as provided in Code Section 17-10-4. Any person injured thereby shall have
 870 a cause of action for invasion of privacy. ~~Any prosecution pursuant to this paragraph~~
 871 ~~shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.~~

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

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

883 (21) Records concerning public employees that reveal the public employee's home
 884 address, home telephone number, day and month of birth, social security number,
 885 insurance or medical information, mother's birth name, credit card information, debit card
 886 information, bank account information, account number, utility account number,
 887 password used to access his or her account, financial data or information other than
 888 compensation by a government agency, unlisted telephone number if so designated in a
 889 public record, and the identity of the public employee's immediate family members or

890 dependents. This paragraph shall not apply to public records that do not specifically
 891 identify public employees or their jobs, titles, or offices. For the purposes of this
 892 paragraph, the term 'public employee' means any officer or employee of:

893 (A) The State of Georgia or its agencies, departments, or commissions;

894 (B) Any county or municipality or its agencies, departments, or commissions;

895 (C) Other political subdivisions of this state;

896 (D) Teachers in public and charter schools and nonpublic schools; or

897 (E) Early care and education programs administered through the Department of Early
 898 Care and Learning;

899 (22) Records of the Department of Early Care and Learning that contain the:

900 (A) Names of children and day and month of each child's birth;

901 (B) Names, addresses, telephone numbers, or e-mail addresses of parents, immediate
 902 family members, and emergency contact persons; or

903 (C) Names or other identifying information of individuals who report violations to the
 904 department;

905 ~~(12)~~(23) Public records containing information that would disclose or might lead to the
 906 disclosure of any component in the process used to execute or adopt an electronic
 907 signature, if such disclosure would or might cause the electronic signature to cease being
 908 under the sole control of the person using it. For purposes of this paragraph, the term
 909 'electronic signature' has the same meaning as that term is defined in Code
 910 Section 10-12-2;

911 ~~(13) Records that would reveal the home address or telephone number, social security~~
 912 ~~number, or insurance or medical information of employees of the Department of~~
 913 ~~Revenue, law enforcement officers, firefighters as defined in Code Section 25-4-2,~~
 914 ~~judges, emergency medical technicians and paramedics, scientists employed by the~~
 915 ~~Division of Forensic Sciences of the Georgia Bureau of Investigation, correctional~~
 916 ~~employees, and prosecutors or identification of immediate family members or dependents~~
 917 ~~thereof;~~

918 ~~(13.1) Records that reveal the home address, the home telephone number, the e-mail~~
 919 ~~address, or the social security number of or insurance or medical information about public~~
 920 ~~employees or teachers and employees of a public school. For the purposes of this~~
 921 ~~paragraph, the term 'public school' means any school which is conducted within this state~~
 922 ~~and which is under the authority and supervision of a duly elected county or independent~~
 923 ~~board of education. Public disclosure shall also not be required for records that reveal the~~
 924 ~~home address, the home telephone number, the e-mail address, or the social security~~
 925 ~~number of or insurance or medical information about employees or teachers of a~~
 926 ~~nonpublic school;~~

927 ~~(13.2) Records that are kept by the probate court pertaining to guardianships and~~
 928 ~~conservatorships except as provided in Code Section 29-9-18;~~

929 ~~(14)(24) Records acquired~~ Acquired by an agency for the purpose of establishing or
 930 implementing, or assisting in the establishment or implementation of, a carpooling or
 931 ridesharing program, ~~to the extent such records would reveal the name, home address,~~
 932 ~~employment address, home telephone number, employment telephone number, or hours~~
 933 ~~of employment of any individual or would otherwise identify any individual who is~~
 934 ~~participating in, or who has expressed an interest in participating in, any such program.~~
 935 ~~As used in this paragraph, the term 'carpooling or ridesharing program' means and~~
 936 ~~includes including,~~ but is not limited to, the formation of carpools, vanpools, or buspools,
 937 the provision of transit routes, rideshare research, and the development of other demand
 938 management strategies such as variable working hours and telecommuting;

939 ~~(15)(25)(A)~~ Records; the disclosure of which would compromise security against
 940 sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the
 941 protection of life, safety, or public property, which shall be limited to the following:

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

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

948 (iii) Any document relating to the existence, nature, location, or function of security
 949 devices designed to protect against terrorist or other attacks, ~~which devices that~~
 950 depend for their effectiveness in whole or in part upon a lack of general public
 951 knowledge;

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

954 (v) Records of any government sponsored programs concerning training relative to
 955 governmental security measures which would identify persons being trained or
 956 instructors or would reveal information described in divisions (i) through (iv) of this
 957 subparagraph.

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

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

970 ~~(16)(26)~~ Unless the request is made by the accused in a criminal case or by his or her
 971 attorney, public records of an emergency 9-1-1 system, as defined in paragraph (3) of
 972 Code Section 46-5-122, containing information which would reveal the name, address,
 973 or telephone number of a person placing a call to a public safety answering point, ~~which.~~
 974 Such information may be redacted from such records if necessary to prevent the
 975 disclosure of the identity of a confidential source, to prevent disclosure of material which
 976 would endanger the life or physical safety of any person or persons, or to prevent the
 977 disclosure of the existence of a confidential surveillance or investigation;

978 ~~(17)(27)~~ Records of athletic or recreational programs, available through the state or a
 979 political subdivision of the state, that include information identifying a child or
 980 children 12 years of age or under by name, address, telephone number, or emergency
 981 contact, unless such identifying information has been redacted;

982 ~~(18)(28)~~ Records of the State Road and Tollway Authority which would reveal the
 983 financial accounts or travel history of any individual who is a motorist upon such any toll
 984 project. ~~Such financial records shall include but not be limited to social security number,
 985 home address, home telephone number, e-mail address, credit or debit card information,
 986 and bank account information but shall not include the user's name;~~

987 ~~(19)(29)~~ Records maintained by public postsecondary educational institutions in this
 988 state and associated foundations of such institutions that contain personal information
 989 concerning donors or potential donors to such institutions or foundations; provided,
 990 however, that the name of any donor and the amount of donation made by such donor
 991 shall be subject to disclosure if such donor or any entity in which such donor has a
 992 substantial interest transacts business with the public postsecondary educational
 993 institution to which the donation is made within three years of the date of such donation.
 994 As used in this paragraph, the term 'transact business' means to sell or lease any personal
 995 property, real property, or services on behalf of oneself or on behalf of any third party as
 996 an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the
 997 aggregate in a calendar year; and the term 'substantial interest' means the direct or indirect
 998 ownership of more than 25 percent of the assets or stock of an entity;

999 ~~(20)~~(30) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other
1000 transit system that is connected to that system's TransCard, ~~or SmartCard,~~ or successor
1001 or similar system which would reveal the financial records or travel history of any
1002 individual who is a purchaser of a TransCard, ~~or SmartCard,~~ or successor or similar fare
1003 medium. Such financial records shall include, but not be limited to, social security
1004 number, home address, home telephone number, e-mail address, credit or debit card
1005 information, and bank account information but shall not include the user's name;

1006 ~~(21)~~(31) Building mapping information produced and maintained pursuant to Article 10
1007 of Chapter 3 of Title 38;

1008 ~~(22)~~(32) Notwithstanding the provisions of paragraph (4) of this subsection, any physical
1009 evidence or investigatory materials that are evidence of an alleged violation of Part 2 of
1010 Article 3 of Chapter 12 of Title 16, ~~which and~~ are in the possession, custody, or control
1011 of law enforcement, prosecution, or regulatory agencies; ~~or~~

1012 ~~(23)~~(33) Records that are expressly exempt from public inspection pursuant to Code
1013 Sections 47-1-14 and 47-7-127.;

1014 (34) Any trade secrets obtained from a person or business entity that are required by law,
1015 regulation, bid, or request for proposal to be submitted to an agency. An entity
1016 submitting records containing trade secrets that wishes to keep such records confidential
1017 under this paragraph shall submit and attach to the records an affidavit affirmatively
1018 declaring that specific information in the records constitute trade secrets pursuant to
1019 Article 27 of Chapter 1 of Title 10. If such entity attaches such an affidavit, before
1020 producing such records in response to a request under this article, the agency shall notify
1021 the entity of its intention to produce such records as set forth in this paragraph. If the
1022 agency makes a determination that the specifically identified information does not in fact
1023 constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to
1024 disclose the information within ten days unless prohibited from doing so by an
1025 appropriate court order. In the event the entity wishes to prevent disclosure of the
1026 requested records, the entity may file an action in superior court to obtain an order that
1027 the requested records are trade secrets exempt from disclosure. The entity filing such
1028 action shall serve the requestor with a copy of its court filing. If the agency makes a
1029 determination that the specifically identified information does constitute a trade secret,
1030 the agency shall withhold the records, and the requester may file an action in superior
1031 court to obtain an order that the requested records are not trade secrets and are subject to
1032 disclosure;

1033 ~~(b) This article shall not be applicable to:~~

1034 ~~(1)~~(35) Data ~~Any trade secrets obtained from a person or business entity which are of a~~
1035 ~~privileged or confidential nature and required by law to be submitted to a government~~

1036 ~~agency or to data~~, records, or information of a proprietary nature, produced or collected
 1037 by or for faculty or staff of state institutions of higher learning, or other governmental
 1038 agencies, in the conduct of, or as a result of, study or research on commercial, scientific,
 1039 technical, or scholarly issues, whether sponsored by the institution alone or in conjunction
 1040 with a governmental body or private concern, where such data, records, or information
 1041 has not been publicly released, published, copyrighted, or patented;

1042 ~~(2)(36)~~ Any data, records, or information developed, collected, or received by or on
 1043 behalf of faculty, staff, employees, or students of an institution of higher education or any
 1044 public or private entity supporting or participating in the activities of an institution of
 1045 higher education in the conduct of, or as a result of, study or research on medical,
 1046 scientific, technical, scholarly, or artistic issues, whether sponsored by the institution
 1047 alone or in conjunction with a governmental body or private entity, until such information
 1048 is published, patented, otherwise publicly disseminated, or released to an agency
 1049 whereupon the request must be made to the agency. ~~This subsection applies paragraph~~
 1050 shall apply to, but ~~is shall~~ not be limited to, information provided by participants in
 1051 research, research notes and data, discoveries, research projects, methodologies,
 1052 protocols, and creative works; ~~or~~

1053 (37) Any record that would not be subject to disclosure, or the disclosure of which would
 1054 jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or its
 1055 implementing regulations;

1056 ~~(3)(38)~~ Unless otherwise provided by law, ~~contract, bid, or proposal~~; records consisting
 1057 of questions, scoring keys, and other materials; constituting a test that derives value from
 1058 being unknown to the test taker prior to administration; which is to be administered by
 1059 an agency, including, but not limited to, any public school, any unit of the Board of
 1060 Regents of the University System of Georgia, any public technical school, the State
 1061 Board of Education, the Office of Student Achievement, the Professional Standards
 1062 Commission, or a local school system, if reasonable measures are taken by the owner of
 1063 the test to protect security and confidentiality; provided, however, that the State Board
 1064 of Education may establish procedures whereby a person may view, but not copy, such
 1065 records if viewing will not, in the judgment of the board, affect the result of
 1066 administration of such test. These limitations shall not be interpreted by any court of law
 1067 to include or otherwise exempt from inspection the records of any athletic association or
 1068 other nonprofit entity promoting intercollegiate athletics.;

1069 ~~(c)(1) All public records of hospital authorities shall be subject to this article except for~~
 1070 ~~those otherwise excepted by this article or any other provision of law.~~

1071 ~~(2)(39) Records disclosing All state officers and employees shall have a privilege to~~
 1072 ~~refuse to disclose~~ the identity or personally identifiable information of any person

1073 participating in research on commercial, scientific, technical, medical, scholarly, or
 1074 artistic issues conducted by the Department of Community Health, the Department of
 1075 Public Health, the Department of Behavioral Health and Developmental Disabilities, or
 1076 a state institution of higher education whether sponsored by the institution alone or in
 1077 conjunction with a governmental body or private entity. ~~Personally identifiable~~
 1078 ~~information shall mean any information which if disclosed might reasonably reveal the~~
 1079 ~~identity of such person including but not limited to the person's name, address, and social~~
 1080 ~~security number. The identity of such informant shall not be admissible in evidence in~~
 1081 ~~any court of the state unless the court finds that the identity of the informant already has~~
 1082 ~~been disclosed otherwise.;~~

1083 ~~(d)(40) Any~~ This article shall not be applicable to any application submitted to or any
 1084 permanent records maintained by a judge of the probate court pursuant to Code Section
 1085 16-11-129, relating to weapons carry licenses, or pursuant to any other requirement for
 1086 maintaining records relative to the possession of firearms. ~~This subsection shall not~~
 1087 ~~preclude law enforcement agencies from obtaining, except to the extent that such records~~
 1088 ~~relating to licensing and possession of firearms are sought by law enforcement agencies~~
 1089 ~~as provided by law.;~~

1090 ~~(e) This article shall not be construed to repeal:~~

1091 ~~(f)(41) Records containing communications subject to the~~ The attorney-client privilege
 1092 recognized by state law to the extent that a record pertains to the requesting or giving of
 1093 legal advice or the disclosure of facts concerning or pertaining to pending or potential
 1094 litigation, settlement, claims, administrative proceedings, or other judicial actions brought
 1095 or to be brought by or against the agency or any officer or employee; provided, however,
 1096 attorney-client information; provided, however, that this paragraph shall not apply to the
 1097 factual findings, but shall apply to the legal conclusions, of an attorney conducting an
 1098 investigation on behalf of an agency so long as such investigation does not pertain to
 1099 pending or potential litigation, settlement, claims, administrative proceedings, or other
 1100 judicial actions brought or to be brought by or against the agency or any officer or
 1101 employee; and provided, further, that such investigations conducted by hospital
 1102 authorities to ensure compliance with federal or state law, regulations, or reimbursement
 1103 policies shall be exempt from disclosure if such investigations are otherwise subject to
 1104 the attorney-client privilege. Attorney-client communications, however, may be obtained
 1105 in a proceeding under Code Section 50-18-73 to prove justification or lack thereof in
 1106 refusing disclosure of documents under this Code section provided the judge of the court
 1107 in which said such proceeding is pending shall first determine by an in camera
 1108 examination that such disclosure would be relevant on that issue. In addition, when an
 1109 agency withholds information subject to this paragraph, any party authorized to bring a

1110 proceeding under Code Section 50-18-73 may request that the judge of the court in which
 1111 such proceeding is pending determine by an in camera examination whether such
 1112 information was properly withheld;

1113 ~~(2)(42) Confidential~~ The confidentiality of attorney work product; provided, however,
 1114 that this paragraph shall not apply to the factual findings, but shall apply to the legal
 1115 conclusions, of an attorney conducting an investigation on behalf of an agency so long
 1116 as such investigation does not pertain to pending or potential litigation, settlement,
 1117 claims, administrative proceedings, or other judicial actions brought or to be brought by
 1118 or against the agency or any officer or employee; and provided, further, that such
 1119 investigations conducted by hospital authorities to ensure compliance with federal or state
 1120 law, regulations, or reimbursement policies shall be exempt from disclosure if such
 1121 investigations are otherwise subject to confidentiality as attorney work product. In
 1122 addition, when an agency withholds information subject to this paragraph, any party
 1123 authorized to bring a proceeding under Code Section 50-18-73 may request that the judge
 1124 of the court in which such proceeding is pending determine by an in camera examination
 1125 whether such information was properly withheld; or

1126 ~~(3)(43) Records containing State laws making certain tax matters or tax information that~~
 1127 ~~is confidential: under state or federal law; or~~

1128 ~~(f)(1) As used in this article, the term:~~

1129 ~~(A) 'Computer program' means a set of instructions, statements, or related data that, in~~
 1130 ~~actual or modified form, is capable of causing a computer or computer system to~~
 1131 ~~perform specified functions.~~

1132 ~~(B) 'Computer software' means one or more computer programs, existing in any form,~~
 1133 ~~or any associated operational procedures, manuals, or other documentation.~~

1134 ~~(2)(44) Records consisting of~~ This article shall not be applicable to any computer
 1135 program or computer software used or maintained in the course of operation of a public
 1136 office or agency; provided, however, that data generated, kept, or received by an agency
 1137 shall be subject to inspection and copying as provided in this article.

1138 ~~(g)(b)~~ This Code section shall be interpreted narrowly so as to exclude from disclosure
 1139 only that portion of a public record to which an exclusion is directly applicable. It shall be
 1140 the duty of the agency having custody of a record to provide all other portions of a record
 1141 for public inspection or copying.

1142 ~~(h) Within the three business days applicable to response to a request for access to records~~
 1143 ~~under this article, the public officer or agency having control of such record or records, if~~
 1144 ~~access to such record or records is denied in whole or in part, shall specify in writing the~~
 1145 ~~specific legal authority exempting such record or records from disclosure, by Code section,~~
 1146 ~~subsection, and paragraph. No addition to or amendment of such designation shall be~~

1147 ~~permitted thereafter or in any proceeding to enforce the terms of this article; provided,~~
 1148 ~~however, that such designation may be amended or supplemented one time within five days~~
 1149 ~~of discovery of an error in such designation or within five days of the institution of an~~
 1150 ~~action to enforce this article, whichever is sooner; provided, further, that the right to amend~~
 1151 ~~or supplement based upon discovery of an error may be exercised on only one occasion.~~
 1152 ~~In the event that such designation includes provisions not relevant to the subject matter of~~
 1153 ~~the request, costs and reasonable attorney's fees may be awarded pursuant to Code Section~~
 1154 ~~50-18-73.~~

1155 (c)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court
 1156 as evidence in a criminal or civil trial shall not be open to public inspection without
 1157 approval of the judge assigned to the case.

1158 (2) Except as provided in subsection (d) of this Code section, in the event inspection is
 1159 not approved by the court, in lieu of inspection of such an exhibit, the custodian of such
 1160 an exhibit shall, upon request, provide one or more of the following:

1161 (A) A photograph;

1162 (B) A photocopy;

1163 (C) A facsimile; or

1164 (D) Another reproduction.

1165 (3) The provisions of this article regarding fees for production of a record, including, but
 1166 not limited to, subsections (c) and (d) of Code Section 50-18-71, shall apply to exhibits
 1167 produced according to this subsection.

1168 (d) Any physical evidence that is used as an exhibit in a criminal or civil trial to show or
 1169 support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not be
 1170 open to public inspection except by court order. If the judge approves inspection of such
 1171 physical evidence, the judge shall designate, in writing, the facility owned or operated by
 1172 an agency of the state or local government where such physical evidence may be inspected.
 1173 If the judge permits inspection, such property or material shall not be photographed,
 1174 copied, or reproduced by any means. Any person who violates the provisions of this
 1175 subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by
 1176 imprisonment for not less than one nor more than 20 years, a fine of not more than
 1177 \$100,000.00, or both.

1178 50-18-73.

1179 (a) The superior courts of this state shall have jurisdiction in law and in equity to entertain
 1180 actions against persons or agencies having custody of records open to the public under this
 1181 article to enforce compliance with the provisions of this article. Such actions may be
 1182 brought by any person, firm, corporation, or other entity. In addition, the Attorney General

1183 shall have authority to bring such actions, ~~either civil or criminal~~, in his or her discretion
 1184 as may be appropriate to enforce compliance with this article and to seek either civil or
 1185 criminal penalties or both.

1186 (b) In any action brought to enforce the provisions of this chapter in which the court
 1187 determines that either party acted without substantial justification either in not complying
 1188 with this chapter or in instituting the litigation, the court shall, unless it finds that special
 1189 circumstances exist, assess in favor of the complaining party reasonable attorney's fees and
 1190 other litigation costs reasonably incurred. Whether the position of the complaining party
 1191 was substantially justified shall be determined on the basis of the record as a whole which
 1192 is made in the proceeding for which fees and other expenses are sought.

1193 (c) Any agency or person who provides access to information in good faith reliance on the
 1194 requirements of this chapter shall not be liable in any action on account of ~~having provided~~
 1195 ~~access to such information~~ such decision.

1196 50-18-74.

1197 ~~(a)~~ Any person or entity knowingly and willfully violating the provisions of this article by
 1198 failing or refusing to provide access to records not subject to exemption from this article,
 1199 ~~or by knowingly and willingly~~ failing or refusing to provide access to such records within
 1200 the time limits set forth in this article, or by knowingly and willingly frustrating or
 1201 attempting to frustrate the access to records by intentionally making records difficult to
 1202 obtain or review shall be guilty of a misdemeanor and upon conviction shall be punished
 1203 by a fine not to exceed \$1,000.00 for the first violation. Alternatively, a civil penalty may
 1204 be imposed by the court in any civil action brought pursuant to this article against any
 1205 person who violates the terms of this article in an amount not to exceed \$100.00 \$1,000.00
 1206 for the first violation. A civil penalty or criminal fine not to exceed \$2,500.00 per violation
 1207 may be imposed for each additional violation that the violator commits within a 12 month
 1208 period from the date the first penalty or fine was imposed. It shall be a defense to any
 1209 criminal action under this Code section that a person has acted in good faith in his or her
 1210 actions. In addition, persons or entities that destroy records for the purpose of preventing
 1211 their disclosure under this article may be subject to prosecution under Code Section
 1212 45-11-1.

1213 ~~(b)~~ ~~A prosecution under this Code section may only be commenced by issuance of a~~
 1214 ~~citation in the same manner as an arrest warrant for a peace officer pursuant to Code~~
 1215 ~~Section 17-4-40, which citation shall be personally served upon the accused. The defendant~~
 1216 ~~shall not be arrested prior to the time of trial, except that a defendant who fails to appear~~
 1217 ~~for arraignment or trial may thereafter be arrested pursuant to a bench warrant and required~~
 1218 ~~to post a bond for his or her future appearance.~~

1219 50-18-75.

1220 Communications between the Office of Legislative Counsel and the following persons shall
 1221 be privileged and confidential: members of the General Assembly, the Lieutenant
 1222 Governor, and persons acting on behalf of such public officers; and such communications,
 1223 and records and work product relating to such communications, shall not be subject to
 1224 inspection or disclosure under this article or any other law or under judicial process;
 1225 provided, however, that this privilege shall not apply where it is waived by the affected
 1226 public officer or officers. The privilege established under this Code section is in addition
 1227 to any other constitutional, statutory, or common law privilege.

1228 50-18-76.

1229 No form, document, or other written matter which is required by law or rule or regulation
 1230 to be filed as a vital record under the provisions of Chapter 10 of Title 31, which contains
 1231 information which is exempt from disclosure under Code Section 31-10-25, and which is
 1232 temporarily kept or maintained in any file or with any other documents in the office of the
 1233 judge or clerk of any court prior to filing with the Department of Public Health shall be
 1234 open to inspection by the general public, even though the other papers or documents in
 1235 such file may be open to inspection.

1236 50-18-77.

1237 The procedures and fees provided for in this article shall not apply to public records,
 1238 including records that are exempt from disclosure pursuant to Code Section 50-18-72,
 1239 which are requested in writing by a state or federal grand jury, taxing authority, law
 1240 enforcement agency, or prosecuting attorney in conjunction with an ongoing
 1241 administrative, criminal, or tax investigation. The lawful custodian shall provide copies of
 1242 such records to the requesting agency unless such records are privileged or disclosure to
 1243 such agencies is specifically restricted by law."

1244 **SECTION 3.**

1245 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 1246 subsection (c) of Code Section 15-12-11, relating to appointment of court personnel in
 1247 certain counties, juror questionnaires, and construction with other laws, as follows:

1248 "(c) Juror questionnaires shall be confidential and shall be exempt from public disclosure
 1249 pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50; provided, however,
 1250 that jury questionnaires shall be provided to the court and to the parties at any stage of the
 1251 proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall
 1252 be made a part of the record under seal. The information disclosed to a party pursuant to

1253 this subsection shall only be used by the parties for purposes of pursuing a claim, defense,
1254 or other issue in the case."

1255

SECTION 4.

1256 Said title is further amended by revising paragraph (10) of subsection (a) of Code
1257 Section 15-16-10 of the Official Code of Georgia Annotated, relating to duties of sheriffs,
1258 as follows:

1259 "(10) To develop and implement a comprehensive plan for the security of the county
1260 courthouse and any courthouse annex. Prior to the implementation of any security plan,
1261 the plan shall be submitted to the chief judge of the superior court of the circuit wherein
1262 the courthouse or courthouse annex is located for review. The chief judge shall have 30
1263 days to review the original or any subsequent security plan. The chief judge may make
1264 modifications to the original or any subsequent security plan. The sheriff shall provide
1265 to the county governing authority the estimated cost of any security plan and a schedule
1266 for implementation 30 days prior to adoption of any security plan. A comprehensive plan
1267 for courthouse security shall be considered a confidential matter of public security.
1268 Review of a proposed security plan by the governing authority shall be excluded from the
1269 requirements of Code Section 50-14-1 ~~and any such review shall take place as provided~~
1270 ~~in Code Section 50-14-3.~~ Such security plan shall also be excluded from public
1271 disclosure pursuant to paragraph ~~(15)~~ (25) of subsection (a) of Code Section 50-18-72.
1272 The sheriff shall be the official custodian of the comprehensive courthouse security plan
1273 and shall determine who has access to such plan and any such access and review shall
1274 occur in the sheriff's office or at a meeting of the county governing authority held as
1275 provided in paragraph ~~(9)~~ (4) of subsection (b) of Code Section 50-14-3; provided,
1276 however, that the sheriff shall make the original security plan available upon request for
1277 temporary, exclusive review by any judge whose courtroom or chambers is located within
1278 the courthouse or courthouse annex or by any commissioner of the county in which the
1279 courthouse or courthouse annex is located. The sheriff shall be responsible to conduct
1280 a formal review of the security plan not less than every four years."

1281

SECTION 5.

1282 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
1283 revising paragraph (2) of subsection (a) of Code Section 20-2-55, relating to per diem,
1284 insurance, and expenses of local board members, as follows:

1285 "(2) In any local school system for which no local Act is passed, members of the local
1286 board of education shall, when approved by the local board affected, receive a per diem
1287 of \$50.00 for each day of attendance at a meeting, as defined in paragraph ~~(2)~~ (3) of

1288 subsection (a) of Code Section 50-14-1, of the board, plus reimbursement for actual
 1289 expenses necessarily incurred in connection therewith; provided, however, that in any
 1290 independent school system with a full-time equivalent (FTE) program count of less than
 1291 4,000 students for which no local Act is passed, members of the local board of education
 1292 may, when approved by the affected local board, receive a per diem of not less than
 1293 \$50.00 and not more than \$100.00 for each day of attendance at a meeting, as defined in
 1294 paragraph ~~(2)~~ (3) of subsection (a) of Code Section 50-14-1, of the board, plus
 1295 reimbursement for actual expenses. The accounts for such service and expenses shall be
 1296 submitted for approval to the local school superintendent. In all school districts, the
 1297 compensation of members of local boards shall be paid only from the local tax funds
 1298 available to local boards for educational purposes. This paragraph shall apply only to
 1299 local board of education members elected or appointed on or after July 1, 2010."

1300 SECTION 6.

1301 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
 1302 subsection (b) of Code Section 31-7-402, relating to content and form of notice to Attorney
 1303 General, retention of experts, and payment of costs and expenses, as follows:

1304 "(b) The Attorney General may prescribe a form of notice to be utilized by the seller or
 1305 lessor and the acquiring entity and may require information in addition to that specified in
 1306 this article if the disclosure of such information is determined by the Attorney General to
 1307 be in the public interest. The notice to the Attorney General required by this article and all
 1308 documents related thereto shall be considered public records pursuant to ~~Code Section~~
 1309 ~~50-18-70~~ Article 4 of Chapter 18 of Title 50."

1310 SECTION 7.

1311 Said title is further amended by revising subsection (a) of Code Section 31-7-405, relating
 1312 to public hearing, expert or consultant required to testify, testimony, and representative of
 1313 acquiring entity to testify, as follows:

1314 "(a) Within 60 days after receipt of the notice under this article, the Attorney General shall
 1315 conduct a public hearing regarding the proposed transaction in the county in which the
 1316 main campus of the hospital is located. At such hearing, the Attorney General shall
 1317 provide an opportunity for those persons in favor of the transaction, those persons opposed
 1318 to the transaction, and other interested persons to be heard. The Attorney General shall
 1319 also receive written comments regarding the transaction from any interested person, and
 1320 such written comments shall be considered public records pursuant to ~~Code Section~~
 1321 ~~50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 8.

1322
 1323 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
 1324 revising subsection (c) of Code Section 33-2-8.1, relating to purpose of Code section,
 1325 preparation by Commissioner of supplemental report on property and casualty insurance,
 1326 contents of report, and request for information, as follows:

1327 "(c) The Commissioner shall investigate every licensed property and casualty insurer that
 1328 is designated by the National Association of Insurance Commissioners as needing
 1329 immediate or targeted regulatory attention and shall include in his report the number of
 1330 such insurers which his investigation confirms are in need of immediate or targeted
 1331 regulatory attention and the names of such insurers which are in formal rehabilitation,
 1332 liquidation, or conservatorship. The Commissioner shall obtain from the National
 1333 Association of Insurance Commissioners the necessary information to implement this
 1334 subsection and, notwithstanding the provisions of ~~Code Section 50-18-70~~ Article 4 of
 1335 Chapter 18 of Title 50, shall withhold from public inspection any such information
 1336 received from the National Association of Insurance Commissioners under an expectation
 1337 of confidentiality."

SECTION 9.

1338
 1339 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 1340 by revising subsection (d) of Code Section 36-76-6, relating to franchise fees, as follows:

1341 "(d) The statements made pursuant to subsection (b) of this Code section and any records
 1342 or information furnished or disclosed by a cable service provider or video service provider
 1343 to an affected local governing authority pursuant to subsection (c) of this Code section shall
 1344 be exempt from public inspection under ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of
 1345 Title 50."

SECTION 10.

1346
 1347 Code Section 38-3-152 of the Official Code of Georgia Annotated, relating to creation and
 1348 operation of building mapping information system, availability to government agencies, rules
 1349 and regulations, federal funding sources, exemption of information from public disclosure,
 1350 recommendations for training guidelines, and limitations, is amended by revising
 1351 subsection (f) as follows:

1352 "(f) Information provided to the agency under this article shall be exempt from public
 1353 disclosure to the extent provided in paragraph ~~(21)~~ (31) of subsection (a) of Code Section
 1354 50-18-72."

1355 **SECTION 11**

1356 Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of
 1357 records of applications for licenses and information on licensees and furnishing of
 1358 information, is amended by revising subsection (b) as follows:

1359 "(b) The records maintained by the department on individual drivers are exempt from any
 1360 law of this state requiring that such records be open for public inspection; provided,
 1361 however, that initial arrest reports, incident reports, and the records pertaining to
 1362 investigations or prosecutions of criminal or unlawful activity shall be subject to disclosure
 1363 pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72 and related
 1364 provisions. Georgia Uniform Motor Vehicle Accident Reports shall be subject to
 1365 disclosure pursuant to paragraph ~~(4.1)~~ (5) of subsection (a) of Code Section 50-18-72. The
 1366 department shall not make records or personal information available on any driver except
 1367 as otherwise provided in this Code section or as otherwise specifically required by 18
 1368 U.S.C. Section 2721."

1369 **SECTION 12.**

1370 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 1371 is amended by revising paragraph (4) of Code Section 43-34-7, relating to maintenance of
 1372 roster by Georgia Composite Medical Board and confidentiality, as follows:

1373 "(4) The deliberations of the board with respect to an application, an examination, a
 1374 complaint, an investigation, or a disciplinary proceeding, except as may be contained in
 1375 official board minutes; provided, however, that such deliberations may be released only
 1376 to another state or federal enforcement agency or lawful licensing authority. Releasing
 1377 the documents pursuant to this paragraph shall not subject any otherwise privileged
 1378 documents to the provisions of ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of
 1379 Title 50."

1380 **SECTION 13.**

1381 Code Section 45-6-6 of the Official Code of Georgia Annotated, relating to office property
 1382 kept by officers subject to inspection by citizens, is amended by revising such Code section
 1383 as follows:

1384 "45-6-6.

1385 All books, papers, and other office property kept by any public officer under the laws of
 1386 this state ~~shall be subject to the inspection of all the citizens of this state within office hours~~
 1387 ~~every day except Sundays and holidays~~ may be copied or inspected subject to the
 1388 requirements of Article 4 of Chapter 18 of Title 50."

1389

SECTION 14.

1390 Title 46 of the Official Code of Georgia Annotated, relating to public utilities, is amended
 1391 by revising paragraph (13) of subsection (b) of Code Section 46-5-1, relating to exercise of
 1392 power of eminent domain by telephone and telegraph companies; placement of posts and
 1393 other fixtures; regulation of construction of fixtures, posts, and wires near railroad tracks;
 1394 liability of telegraph and telephone companies for damages; required information; and due
 1395 compensation, as follows:

1396 "(13) The information provided pursuant to paragraph (1) of this subsection and any
 1397 records or information furnished or disclosed by a telegraph or telephone company to an
 1398 affected municipal authority pursuant to paragraph (12) of this subsection shall be exempt
 1399 from public inspection under ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50.
 1400 It shall be the duty of such telegraph or telephone company to mark all such documents
 1401 as exempt from ~~Code Section 50-18-70, et seq.~~ Article 4 of Chapter 18 of Title 50, and
 1402 the telegraph or telephone company shall defend, indemnify, and hold harmless any
 1403 municipal authority and any municipal officer or employee in any request for, or in any
 1404 action seeking, access to such records."

1405

SECTION 15.

1406 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 1407 by revising subsection (b) of Code Section 50-1-5, relating to meetings by teleconference or
 1408 other similar means, as follows:

1409 "(b) Nothing in this Code section shall eliminate any otherwise applicable requirement for
 1410 giving notice of any meeting. Likewise, nothing in this Code section shall create a
 1411 requirement for giving notice of any meeting where it does not otherwise exist. The notice
 1412 shall list each location where any member of the board, body, or committee plans to
 1413 participate in the meeting if the meeting is otherwise open to the public; provided,
 1414 however, it shall not be grounds to contest any actions of the board, body, or committee as
 1415 provided in Code Section 50-14-1 if a member participates from a location other than the
 1416 location listed in the notice. At a minimum, the notice shall list one specific location where
 1417 the public can participate in the meeting if the meeting is otherwise open to the public. The
 1418 notice shall further conform with the notice provisions of ~~'due notice'~~ as provided in Code
 1419 Section 50-14-1. Any meeting which is otherwise required by law to be open to the public
 1420 shall be open to the public at each location listed in the notice or where any member of the
 1421 board, body, or committee participates in the meeting."

SECTION 16.

1422
1423 Said title is further amended by revising subsection (c) of Code Section 50-17-22, relating
1424 to the State Financing and Investment Commission, as follows:

1425 "(c) **Meetings.** The commission shall hold regular meetings as it deems necessary, but,
1426 in any event, not less than one meeting shall be held in each calendar quarter. The
1427 commission shall meet at the call of the chairperson, vice chairperson, or secretary and
1428 treasurer or a majority of the members of the commission. Meetings of the commission
1429 shall be subject to Chapter 14 of this title, and its records shall be subject to ~~Code Sections~~
1430 ~~50-18-70 and 50-18-71~~ Article 4 of Chapter 18 of Title 50. The commission shall approve
1431 the issuance of public debt, as hereinafter provided, adopt and amend bylaws, and establish
1432 salaries and wages of employees of the commission only upon the affirmative vote of a
1433 majority of its members; all other actions of the commission may be taken upon the
1434 affirmative vote of a majority of a quorum present. A quorum shall consist of a majority
1435 of the members of the commission. If any vote is less than unanimous, the vote shall be
1436 recorded in the minutes of the commission."

SECTION 17.

1437
1438 Said title is further amended by revising subsection (a) of Code Section 50-29-2, relating to
1439 authority of public agencies that maintain geographic information systems to contract for the
1440 provision of services, fees, and contract provisions, as follows:

1441 "~~(a) Notwithstanding subsection (f) of Code Section 50-18-71 or Code Section 50-18-71.2~~
1442 the provisions of Article 4 of Chapter 18 of Title 50, a county or municipality of the State
1443 of Georgia, a regional commission, or a local authority created by local or general law that
1444 has created or maintains a geographic information system in electronic form may contract
1445 to distribute, sell, provide access to, or otherwise market records or information maintained
1446 in such system and may license or establish fees for providing such records or information
1447 or providing access to such system."

SECTION 18.

1448
1449 All laws and parts of laws in conflict with this Act are repealed.