

House Bill 977

By: Representatives Jacobs of the 80th, Willard of the 51st, Evans of the 42nd, Fleming of the 121st, Lindsey of the 54th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Articles 3 and 10 of Chapter 11 of Title 9 of the Official Code of Georgia
2 Annotated, relating to pleadings and motions and forms, respectively, so as to provide for
3 filings that contain redacted information; to provide for exceptions and filings under seal; to
4 provide for protective orders; to provide for references lists; to provide for waivers; to
5 provide for form conformity; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
10 pleadings and motions, is amended by adding a new Code section to read as follows:

11 "9-11-7.1.

12 (a) **Redacted filings.** Unless the court orders otherwise, in an electronic or paper filing
13 with the court that contains an individual's social security number, taxpayer identification
14 number, financial account number, birthdate, or the name of an individual known to be a
15 minor, a party or nonparty making such filing shall include only:

- 16 (1) The last four digits of a social security number;
17 (2) The last four digits of a taxpayer identification number;
18 (3) The last four digits of a financial account number;
19 (4) The year of an individual's birth; and
20 (5) A minor's initials.

21 (b) **Exemptions from redaction requirement.** Subsection (a) of this Code section shall
22 not apply to the following:

- 23 (1) A financial account number that identifies property allegedly subject to forfeiture in
24 a civil forfeiture proceeding;
25 (2) The record of an administrative or agency proceeding;

26 (3) The record of a court or tribunal if such record was not subject to redaction
 27 requirements when originally filed; and

28 (4) A filing made under seal as provided in subsection (c) of this Code Section.

29 (c) **Filings made under seal.** A court may order that a filing be made under seal without
 30 redaction. A court may later unseal the filing or order the filer to file a redacted version
 31 for the public record. A filer may file a redacted filing and also file an unredacted filing
 32 under seal. A court shall retain all filings made under seal as part of the record.

33 (d) **Protective orders.** For good cause, the court may:

34 (1) Order redaction of additional information; and

35 (2) Limit or prohibit a nonparty's remote electronic access to a document filed with the
 36 court.

37 (e) **Option for reference list.** A filing that contains redacted information may be filed
 38 together with a reference list that identifies each item of redacted information and specifies
 39 an appropriate identifier that uniquely corresponds to each item listed. Such reference list
 40 shall be filed under seal and may be amended as of right. Any reference in a civil action
 41 to a listed identifier shall be construed to refer to the corresponding item of information.

42 (f) **Waiver of protected identifiers.** A filer waives the protections provided by subsection
 43 (a) of this Code Section to the extent that he or she makes his or her own filing without
 44 redaction and not under seal."

45 SECTION 2.

46 Article 10 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
 47 forms, is amended by revising subsection (a) of Code Section 9-11-133, relating to forms
 48 meeting requirements for civil case filings and disposition, as follows:

49 "(a) The forms set out in subsections (b), (c), (d), and (e) of this Code section or forms
 50 substantially similar to such forms ~~are~~ shall be sufficient to meet the requirements for civil
 51 case filing and disposition forms; provided, however, that civil case filing forms shall be
 52 required to contain an acknowledgment by the filer that the redaction requirements of Code
 53 Section 9-11-7.1 have been met. The civil case forms set out in Exhibit F of the 'Report
 54 and Recommendations of the 1997-1998 Court Filings Committee' published by the State
 55 Bar of Georgia and dated May 15, 1998, are substantially similar to the forms set out in this
 56 Code section."

57 SECTION 3.

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