

House Bill 1086 (AS PASSED HOUSE AND SENATE)

By: Representatives Austin of the 10th, Coleman of the 97th, Maxwell of the 17th, Dickson of the 6th, and Morgan of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to
2 exemptions to requirements for disclosure of public records, so as to provide that certain
3 personal information relating to teachers and employees of public and nonpublic schools
4 shall be exempt from disclosure; to provide that information relating to tests administered
5 by the Professional Standards Commission shall be exempt from disclosure; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to exemptions
10 to requirements for disclosure of public records, is amended by revising paragraph (13.1) of
11 subsection (a) as follows:

12 "(13.1) Records that reveal the home address, the home telephone number, the e-mail
13 address, or the social security number of or insurance or medical information about public
14 employees or teachers and employees of a public school. For the purposes of this
15 paragraph, the term 'public school' means any school which is conducted within this state
16 and which is under the authority and supervision of a duly elected county or independent
17 board of education. Public disclosure shall also not be required for records that reveal the
18 home address, the home telephone number, the e-mail address, or the social security
19 number of or insurance or medical information about employees or teachers of a
20 nonpublic school;"

21 **SECTION 2.**

22 Said Code section is further amended by revising subsection (b) as follows:

23 "(b) This article shall not be applicable to:

24 (1) Any trade secrets obtained from a person or business entity which are of a privileged
25 or confidential nature and required by law to be submitted to a government agency or to

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

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

(3) Unless otherwise provided by law, contract, bid, or proposal, records consisting of questions, scoring keys, and other materials, constituting a test that derives value from being unknown to the test taker prior to administration, which is to be administered by the State Board of Education, the Office of Student Achievement, the Professional Standards Commission, or a local school system, if reasonable measures are taken by the owner of the test to protect security and confidentiality; provided, however, that the State Board of Education may establish procedures whereby a person may view, but not copy, such records if viewing will not, in the judgment of the board, affect the result of administration of such test.

These limitations shall not be interpreted by any court of law to include or otherwise exempt from inspection the records of any athletic association or other nonprofit entity promoting intercollegiate athletics."

SECTION 3.

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