Senate Bill 374

By: Senators Tillery of the 19th, Hufstetler of the 52nd, Burke of the 11th and Kennedy of the 18th

A BILL TO BE ENTITLED

AN ACT

To amend Part 3 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Georgia Data Analytic Center, so as to provide for definitions; to establish the Georgia Data Analytic Center as an agent of all executive state agencies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Georgia Data Analytic Center, is amended by adding two new paragraphs to Code Section 45-12-150, relating to definitions, to read as follows:

"(2.1)(A) 'Executive state agency' means any agency, authority, board, bureau, commission, department, division, office, or other unit of the executive branch of state government whether established by or pursuant to the Constitution of the State of Georgia, the Official Code of Georgia, any administrative rule or regulation, or any executive order.

(B) Such term shall not include:

(i) The legislative or judicial branches of state government;

(ii) Any political subdivision;

(iii) The Georgia State Financing and Investment Commission; or

(iv) The Board of Regents of the University System of Georgia.″

″(3.1)(A) 'Government information' means any information created, received, maintained, or stored by, or otherwise in the control of, an executive state agency, regardless of the form or the media on which the information is recorded.

(B) Such term shall not include:

(i) Investigative records of law enforcement agencies;

(ii) Confidential investigative records related to an ongoing investigation and any related information classified as confidential; or

(iii) Confidential advisory opinions requested or given by the office of the inspector general.″

SECTION 2.

Said part is further amended by revising Code Section 45-12-153, relating to access to data, as follows:

″45-12-153.

(a) Any state agency or department that creates, receives, or maintains publicly supported program, fiscal, or health data shall, only after execution of an enforceable data use, data sharing, or other similar agreement that is acceptable to the state agency or department, transmit or allow access to such data as is necessary and appropriate to further the purposes of this part and shall cooperate with GDAC Project requests for receipt of or access to such data. Notwithstanding the foregoing, any state agency or department shall not be required to transmit data which it creates, receives, or maintains to the GDAC Project or to allow access to such data if the Attorney General's review or the applicable state agency's or department's review determines that such transmission or access would violate state or

federal law. The Attorney General's review shall include consideration of an analysis from the state agency or department whose data are being requested, and shall include the reason, if any, that the requested data cannot be transmitted or allowed for access to the Georgia Data Analytic Center as an agent of the state agency or department as provided in subsection (c) of this Code section.

(b) This Code section shall not prohibit the office or any agency or department from creating, receiving, maintaining, or transmitting data in data systems that are separate and distinct from the GDAC Project.

(c) The Georgia Data Analytic Center is considered to be an agent of all executive state agencies sharing government information and is an authorized receiver of government information under the statutory or administrative law that governs such government information.

(d) Interagency and intra-agency data sharing under this part does not constitute a disclosure or release under any statutory or administrative law that governs the government information. In no event shall government information accessed, received, or obtained by the Georgia Data Analytic Center, which is protected by any form of confidentiality or privilege, cause such information to be subject to disclosure, including, but not limited to, disclosure pursuant to Code Sections 50-18-70 and 50-18-72.″

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

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