

The Senate Committee on Judiciary offered the following substitute to SB 12:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to inspection of public records, so as to revise provisions related to public records
3 in the possession of private persons or entities; to revise definitions; to provide for related
4 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
8 inspection of public records, is amended in subsection (b) of Code Section 50-18-70, relating
9 to legislative intent and definitions, by adding a new paragraph to read as follows:

10 "(1.1) 'Custodian' or 'lawful custodian' means the agency that has charge, custody, care,
11 and control over a public record or an employee of such agency who is designated as the
12 custodian of agency records."

13 **SECTION 2.**

14 Said article is further amended in Code Section 50-18-71, relating to relating to right of
15 access, timing, fees, denial of requests, and impact of electronic records, by revising
16 subsection (a) as follows:

17 "(a)(1) All public records shall be open for personal inspection and copying, except those
18 which by order of a court of this state or by law are specifically exempted from
19 disclosure. Records shall be maintained by agencies to the extent and in the manner
20 required by Article 5 of this chapter.

21 (2)(A) All requests to inspect or copy public records under this article shall be made
22 upon a custodian.

23 (B) Upon receiving a request to inspect or copy public records under this article, a
24 custodian shall comply with the requirements of this Code section, including, but not
25 limited to, the requirement to retrieve public records prepared and maintained or
26 received by a private person or entity in the performance of a service or function or on
27 behalf of an agency or transferred to a private person or entity by an agency for storage
28 or future governmental use. Such private persons or entities shall be required to
29 produce such public records to a custodian upon request from such custodian."

30 **SECTION 3.**

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

33 **SECTION 4.**

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