

House Bill 199 (COMMITTEE SUBSTITUTE)

By: Representatives Kelley of the 16<sup>th</sup>, Reeves of the 99<sup>th</sup>, Gullett of the 19<sup>th</sup>, Gunter of the 8<sup>th</sup>, Park of the 107<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 15 the Official Code of Georgia Annotated, relating to  
2 administration of courts of record generally, so as to modify provisions related to protection  
3 of personally identifiable information of judges and their spouses; to abolish the requirement  
4 for the Administrative Office of the Courts to maintain a data base of protected persons and  
5 information; to provide for a state-wide form to be used by protected persons seeking to have  
6 information restricted from public disclosure; to require state and local governments to  
7 restrict from public disclosure personally identifiable information when requested by a  
8 protected person; to provide procedures for such requests; to revise definitions; to provide  
9 for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 5 of Title 15 the Official Code of Georgia Annotated, relating to administration of  
13 courts of record generally, is amended by revising Article 8, relating to protection of  
14 personally identifiable data of judges and spouses, as follows:

H. B. 199 (SUB)

## 15 "ARTICLE 8

16 15-5-110.

17 As used in this article, the term:

18 (1) 'Personally identifiable information' means any personal phone number or home  
 19 address ~~affirmatively identified by a protected person for inclusion in the data base~~  
 20 ~~established and maintained pursuant to Code Section 15-5-111~~ of a protected person.

21 (2) 'Protected person' means any current or former:

22 (A) ~~Judge Elected or appointed judge~~ or justice of this state and his or her spouse;23 (B) ~~Judge Elected or appointed judge~~ of any county or municipality of this state and  
24 his or her spouse; and25 (C) ~~Judge Appointed judge~~ or justice of the United States and his or her spouse.26 (3) ~~'Public posting or display' means to communicate information or otherwise make~~  
27 ~~information available to the general public.~~

28 (4)(3) 'Publicly available content' means any written or electronic document or record  
 29 that provides information or that serves as a document or record maintained, controlled,  
 30 or in the possession of a state or local government entity that may be obtained by any  
 31 person from the internet state or local government entity's public website or from such  
 32 state or local government agency upon request whether free of charge or for a fee.

33 (5)(4) 'State or local government entity' means any:

34 (A) Agency of the executive branch of this state; or

35 (B) Any ~~local governing authority of a county or municipality of this state, including,~~  
 36 but not limited to, any county or municipal superior court clerk's office, board of  
 37 elections, board of tax assessors, or board of ethics.

38 15-5-111.

39 The Administrative Office of the Courts shall:

- 40 (1) Establish a method for obtaining information from the Administrative Office of the  
 41 United States Courts as necessary for purposes of this article;
- 42 (2) Develop a form for a protected person to use when requesting the restriction from  
 43 public disclosure of personally identifiable information pursuant to this article. Such  
 44 form may include a process for verification of the election or appointment of such person  
 45 as a judge or justice of this state or the United States or verification of such person's  
 46 status as the spouse of a person serving as a judge or justice of this state or the United  
 47 States ~~Establish and maintain a data base of protected persons and personally identifiable~~  
 48 ~~information;~~
- 49 (3) Make the form provided for in paragraph (2) of this Code section available to  
 50 protected persons on its public website ~~Develop and manage a process to regularly~~  
 51 ~~identify each state or local government entity that possesses personally identifiable~~  
 52 ~~information; and~~
- 53 (4) ~~Establish a procedure for protected persons to submit phone numbers and addresses~~  
 54 ~~for inclusion in a data base as personally identifiable information to be restricted from~~  
 55 ~~publicly available content and public posting or display; and~~
- 56 (5)(4) ~~Coordinate statewide~~ state-wide training and information sharing related to  
 57 security procedure and practices relative to the judicial branch of government.

58 15-5-112.

- 59 (a) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary,  
 60 a state or local government entity shall restrict from public disclosure any personally  
 61 identifiable information that specifically identifies a protected person as a judge, justice,  
 62 or spouse thereof. The provisions of this subsection shall include, but shall not be limited  
 63 to, records or filings in the office of the Secretary of State and the State Ethics  
 64 Commission. ~~Within 30 days of receipt of written notice that a judge or justice of the~~  
 65 ~~United States, this state, or any county or municipality of this state has been elected or~~

66 ~~appointed, the Administrative Office of the Courts shall provide written notice to each state~~  
67 ~~or local government entity determined by the Administrative Office of the Courts to~~  
68 ~~possess personally identifiable information that directs such entity to restrict access to such~~  
69 ~~personally identifiable information pursuant to subsection (c) of this Code section.~~

70 (b) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary,  
71 a state or local government entity that possesses records, filings, or other publicly available  
72 content that does not specifically identify a person as a judge, justice, or spouse thereof but  
73 that includes personally identifiable information of such a protected person shall, upon  
74 request of the protected person, restrict from public disclosure any personally identifiable  
75 information, including, but not limited to, such protected person's property or tax records.  
76 A protected person may request that his or her personally identifiable information be  
77 restricted from public disclosure pursuant to this subsection by submitting a request in  
78 writing to the state or local government entity on the form provided for in Code Section  
79 15-5-111. A state or local government entity receiving such request shall restrict from  
80 public disclosure the personally identifiable information within 30 days of receiving a valid  
81 request. ~~Within 30 days of receipt of written notice that a judge or justice of the United~~  
82 ~~States, this state, or any county or municipality of this state has resigned, retired, or been~~  
83 ~~removed, the Administrative Office of the Courts shall provide written notice to each state~~  
84 ~~or local government entity determined by the Administrative Office of the Courts to~~  
85 ~~possess personally identifiable information that informs such entity that the restriction~~  
86 ~~required pursuant to subsection (c) of this Code section is no longer applicable.~~

87 ~~(c) Notwithstanding Article 4 of Chapter 18 of Title 50 to the contrary, within 30 days of~~  
88 ~~receipt of written notice from the Administrative Office of the Courts pursuant to~~  
89 ~~subsection (a) of this Code section, a state or local government entity that has received such~~  
90 ~~notice shall restrict personally identifiable information from publicly available content and~~  
91 ~~public posting or display unless such entity has:~~

92 ~~(1) Obtained written consent from the protected person that his or her phone number and~~  
93 ~~address may be made available to the general public; or~~  
94 ~~(2) Received notice pursuant to subsection (b) of this Code section that a judge or justice~~  
95 ~~of the United States, this state, or any county or municipality thereof has resigned, retired,~~  
96 ~~or been removed.~~  
97 ~~(d)~~(c) Any protected person may bring an action in a court of competent jurisdiction  
98 against any officer or employee of the state or local government entity in his or her  
99 individual capacity for failure to comply with subsection ~~(e)~~ (b) of this Code section. Any  
100 relief granted by such action shall be limited to injunctive relief."

101

**SECTION 2.**

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