

The House Committee on Governmental Affairs offers 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 such agency's records."

SECTION 2.

13

14 Said article is further amended in Code Section 50-18-71, relating to right of access, timing,
15 fees, denial of requests, and impact of electronic records, by revising subsection (a) as
16 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 private entity in the performance of a service or function
27 for or on behalf of an agency or transferred to a private person or private entity by an
28 agency for storage or future governmental use; provided, however, that a custodian
29 shall have no obligation to retrieve public records held by another agency or any other
30 public entity. Such private persons or private entities shall be required to produce such
31 public records to a custodian upon request from such custodian so long as such request
32 is made within the period of time as prescribed by the statutory document retention
33 guideline or a period of time as defined in an agreement between the private person or
34 private entity and the agency, whichever comes later."

35

SECTION 3.

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

38

SECTION 4.

39 All laws and parts of laws in conflict with this Act are repealed.