

\_\_\_\_\_ offers the following  
substitute to HB 397:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to comprehensively revise the provisions of law regarding open meetings and open  
3 records; to provide definitions relating to open meetings; to provide for the manner of closing  
4 meetings; to provide for open meetings; to provide for remedies for improperly closing  
5 meetings; to provide for notice of meetings; to provide for exceptions; to provide for certain  
6 privileges; to provide for sanctions; to provide for related matters; to provide for legislative  
7 intent regarding open records; to provide for definitions relating to open records; to provide  
8 for applicability; to provide for procedures regarding disclosure and enforcement of  
9 disclosure provisions; to provide for fees and the amount and manner of collection thereof;  
10 to provide for exceptions and exemptions; to provide for sanctions; to provide for related  
11 matters; to conform certain cross references; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
16 by revising Chapter 14, relating to open and public meetings, as follows:

17 "CHAPTER 14

18 50-14-1.

19 (a) As used in this chapter, the term:

20 (1) 'Agency' means:

21 (A) Every state department, agency, board, bureau, office, commission, public  
22 corporation, and authority;

23 (B) Every county, municipal corporation, school district, or other political subdivision  
24 of this state;

25 (C) Every department, agency, board, bureau, office, commission, authority, or similar  
 26 body of each such county, municipal corporation, or other political subdivision of the  
 27 state;

28 (D) Every city, county, regional, or other authority established pursuant to the laws of  
 29 this state; and

30 (E) Any nonprofit organization to which there is a direct allocation of tax funds made  
 31 by the governing authority of any agency as defined in this paragraph ~~and~~ which  
 32 ~~allocation~~ constitutes more than 33 1/3 percent of the funds from all sources of such  
 33 organization; provided, however, that this subparagraph shall not include hospitals,  
 34 nursing homes, dispensers of pharmaceutical products, or any other type organization,  
 35 person, or firm furnishing medical or health services to a citizen for which they receive  
 36 reimbursement from the state whether directly or indirectly; nor shall this term include  
 37 a subagency or affiliate of such a nonprofit organization from or through which the  
 38 allocation of tax funds is made.

39 (2) 'Executive session' means a meeting or portion of a meeting lawfully closed to the  
 40 public to discuss a matter that is excluded or exempt from the requirements of this  
 41 chapter.

42 ~~(2)(3)(A)~~ 'Meeting' means:

43 (i) The ~~the~~ gathering of a quorum of the members of the governing body of an agency  
 44 at which any public matter, official business, or policy of the governing body is  
 45 formulated, presented, discussed, or voted upon;

46 (ii) The gathering ~~or~~ of any committee of ~~its~~ the members of the governing body of  
 47 an agency or persons appointed by those members at which ~~created by such governing~~  
 48 body, whether standing or special, pursuant to schedule, call, or notice of or from such  
 49 governing body or committee or an authorized member, at a designated time and  
 50 place at which any public matter, official business, or policy of the agency is to be  
 51 discussed or presented or at which official action is to be taken or, in the case of a  
 52 committee, recommendations on any public matter, official business, or policy ~~to~~ of  
 53 the governing body ~~are~~ is to be formulated, presented, ~~or~~ discussed, or voted upon;  
 54 or

55 (iii) The gathering of or communications between more than two but less than a  
 56 quorum of the members of the governing body of an agency or persons appointed by  
 57 those members if the primary purpose of the gathering or communications is to evade  
 58 or avoid the quorum requirements for conducting a meeting while discussing or  
 59 conducting official business.

60 (B) 'Meeting' shall not include:

61 (i) The assembling together gathering of a quorum of the members of a governing  
 62 body or committee for the purpose of making inspections of physical facilities or  
 63 property under the jurisdiction of such agency or for the purposes of meeting with the  
 64 governing bodies, officers, agents, or employees of other agencies at places outside  
 65 the geographical jurisdiction of an agency and at which no final other official business  
 66 of the agency is to be discussed or official action is to be taken; ~~shall not be deemed~~  
 67 ~~a 'meeting.'~~

68 (ii) The gathering of a quorum of the members of a governing body or committee for  
 69 the purpose of meeting outside the geographical jurisdiction of the agency with  
 70 members of the governing bodies, officers, agents, or employees of other agencies to  
 71 participate in seminars or courses of training on matters related to the purpose of the  
 72 agency or to receive information on matters related to the purpose of the agency at  
 73 which no official action is to be taken; and

74 (iii) The gathering of a quorum of the members of a governing body or committee for  
 75 the purpose of meeting outside the geographical jurisdiction of the agency with  
 76 members of the legislative or executive branches of the state government at which no  
 77 official action is to be taken.

78 (b) Except as otherwise provided by law, all meetings as defined in subsection (a) of this  
 79 Code section shall be open to the public. All votes at any meeting shall be taken in public  
 80 after due notice of the meeting and compliance with the posting and agenda requirements  
 81 of this chapter. Before any gathering outside of the agency's geographical jurisdiction  
 82 pursuant to subparagraph (a)(3)(B) of this Code section, the agency shall comply with the  
 83 notice requirements of this Code section and shall not take votes or conduct other business  
 84 unless it complies with all of the requirements of this chapter. Any resolution, rule,  
 85 regulation, ordinance, or other official action of an agency adopted, taken, or made at a  
 86 meeting which is not open to the public as required by this chapter shall not be binding.  
 87 Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an  
 88 agency based on an alleged violation of this provision must be commenced within 90 days  
 89 of the date such contested action was taken, ~~provided that any~~ or, if the meeting was held  
 90 in a manner not permitted by law, within 90 days from the date the alleged violation was  
 91 discovered if such date is not more than six months after the date the contested action was  
 92 taken. Any action under this chapter contesting a zoning decision of a local governing  
 93 authority shall be commenced within the time allowed by law for appeal of such zoning  
 94 decision.

95 (c) The public at all times shall be afforded access to meetings declared open to the public  
 96 pursuant to subsection (b) of this Code section. ~~Visual, sound, and visual~~ and sound  
 97 recording during open meetings shall be permitted.

98 (d)(1) Every agency subject to this chapter shall prescribe the time, place, and dates of  
 99 regular meetings of the agency. Such information shall be available to the general public  
 100 and a notice containing such information shall be posted at least one week in advance and  
 101 maintained in a conspicuous place available to the public at the regular ~~meeting~~ place of  
 102 ~~the~~ an agency or committee meeting subject to this chapter as well as on the agency's  
 103 website, if any. Meetings shall be held in accordance with a regular schedule, but nothing  
 104 in this subsection shall preclude an agency from canceling or postponing any regularly  
 105 scheduled meeting.

106 ~~(2) Whenever any meeting required to be open to the public is to be held at a time or~~  
 107 ~~place other than at the time and place prescribed for regular meetings, the agency shall~~  
 108 ~~give due notice thereof. 'Due notice' shall be the posting of a written notice for at least~~  
 109 ~~24 hours at the place of regular meetings and giving of~~ For any meeting, other than a  
 110 regularly scheduled meeting of the agency for which notice has already been provided  
 111 pursuant to this chapter, written or oral notice shall be given at least 24 hours in advance  
 112 of ~~the~~ any meeting to the legal organ in which notices of sheriff's sales are published in  
 113 the county where regular meetings are held or at the option of the agency to a newspaper  
 114 having a general circulation in said county at least equal to that of the legal organ;  
 115 provided, however, that, in counties where the legal organ is published less often than  
 116 four times weekly, ~~'due notice'~~ sufficient notice shall be the posting of a written notice  
 117 for at least 24 hours at the place of regular meetings and, upon written request from any  
 118 local broadcast or print media outlet whose place of business and physical facilities are  
 119 located in the county, notice by telephone, ~~or facsimile,~~ or e-mail to that requesting media  
 120 outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a  
 121 legal organ or other newspaper, that publication shall immediately as practicable make  
 122 the information available upon inquiry to any member of the public.

123 (3) When special circumstances occur and are so declared by an agency, that agency may  
 124 hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and  
 125 subjects expected to be considered at the meeting as is reasonable under the  
 126 circumstances, including notice to said county legal organ or a newspaper having a  
 127 general circulation in the county at least equal to that of the legal organ, in which event  
 128 the reason for holding the meeting within 24 hours and the nature of the notice shall be  
 129 recorded in the minutes. ~~Whenever notice is given to a legal organ or other newspaper,~~  
 130 ~~that publication shall immediately make the information available upon inquiry to any~~  
 131 ~~member of the public. Any oral notice required or permitted by this subsection may be~~  
 132 ~~given by telephone.~~

133 (e)(1) Prior to any meeting, the agency or committee holding such meeting shall make  
 134 available an agenda of all matters expected to come before the agency or committee at

135 such meeting. The agenda shall be available upon request and shall be posted at the  
 136 meeting site; as far in advance of the meeting as reasonably possible, but shall not be  
 137 required to be available more than two weeks prior to the meeting and shall be posted,  
 138 at a minimum, at some time during the two-week period immediately prior to the  
 139 meeting. Failure to include on the agenda an item which becomes necessary to address  
 140 during the course of a meeting shall not preclude considering and acting upon such item.

141 (2)(A) A summary of the subjects acted on and those members present at a meeting of  
 142 any agency shall be written and made available to the public for inspection within two  
 143 business days of the adjournment of a meeting ~~of any agency~~.

144 (B) The regular minutes of a meeting of any agency subject to this chapter shall be  
 145 promptly recorded and such records shall be open to public inspection once approved  
 146 as official by the agency or its committee, but in no case later than immediately  
 147 following ~~the~~ its next regular meeting ~~of the agency~~; provided, however, that nothing  
 148 contained in this chapter shall prohibit the earlier release of minutes, whether approved  
 149 by the agency or not. Said minutes shall, ~~as~~ at a minimum, include the names of the  
 150 members present at the meeting, a description of each motion or other proposal made,  
 151 and a record of all votes. ~~In the case of a roll-call vote the~~ The name of each person  
 152 voting for or against a proposal shall be recorded and in all other cases it shall be  
 153 presumed that the action taken was approved by each person in attendance unless the  
 154 minutes reflect the name of the persons voting against the proposal or abstaining.

155 (C) Minutes of executive sessions shall also be recorded but not open to the public.  
 156 Such minutes shall specify each issue discussed in executive session by the agency or  
 157 committee. In the case of executive sessions where matters subject to the  
 158 attorney-client privilege are discussed, the fact that an attorney-client discussion  
 159 occurred and its subject shall be identified, but the substance of the discussion shall not  
 160 be recorded in the minutes. Such minutes shall be kept and preserved for in camera  
 161 inspection by an appropriate court should a dispute arise as to the propriety of any  
 162 executive session.

163 (f) An agency with state-wide jurisdiction shall be authorized to conduct meetings by  
 164 telecommunications conference, provided that any such meeting is conducted in  
 165 compliance with this chapter.

166 50-14-2.

167 This chapter shall not be construed so as to repeal in any way:

168 (1) The attorney-client privilege recognized by state law to the extent that a meeting  
 169 otherwise required to be open to the public under this chapter may be closed in order to  
 170 consult and meet with legal counsel pertaining to pending or potential litigation,

171 settlement, claims, administrative proceedings, or other judicial actions brought or to be  
 172 brought by or against the agency or any officer or employee or in which the agency or  
 173 any officer or employee may be directly involved; provided, however, the meeting may  
 174 not be closed for advice or consultation on whether to close a meeting; and

175 (2) Those tax matters which are otherwise made confidential by state law.

176 50-14-3.

177 This chapter shall not apply to the following:

178 (1) Staff meetings held for investigative purposes under duties or responsibilities  
 179 imposed by law;

180 (2) The deliberations and voting of the State Board of Pardons and Paroles; and in  
 181 addition said board may close a meeting held for the purpose of receiving information or  
 182 evidence for or against clemency or in revocation proceedings if it determines that the  
 183 receipt of such information or evidence in open meeting would present a substantial risk  
 184 of harm or injury to a witness;

185 (3) Meetings of the Georgia Bureau of Investigation or any other law enforcement  
 186 agency in the state, including grand jury meetings;

187 (4) Meetings when any agency is discussing the future acquisition of real estate, except  
 188 that such meetings shall be subject to the requirements of this chapter for the giving of  
 189 the notice of such a meeting to the public and preparing the minutes of such a meeting;  
 190 ~~provided, however, the disclosure of such portions of the minutes as would identify real~~  
 191 ~~estate to be acquired may be delayed until such time as the acquisition of the real estate~~  
 192 ~~has been completed, terminated, or abandoned or court proceedings with respect thereto~~  
 193 ~~initiated~~; It shall not be a violation of this chapter for an agency to decide in an executive  
 194 session to authorize negotiations to purchase property, to authorize entering into a  
 195 contract to purchase property subject to a subsequent public vote, or to authorize the  
 196 entering of an option to purchase real estate subject to approval at a later public vote. No  
 197 vote to acquire real estate shall be binding on an agency until a vote is taken in an open  
 198 meeting where the identity of the property and the terms of the acquisition are disclosed  
 199 before the vote;

200 (5) Meetings of the governing authority of a public hospital or any committee thereof  
 201 when discussing the granting, restriction, or revocation of staff privileges or the granting  
 202 of abortions under state or federal law;

203 (6) Meetings when discussing or deliberating upon the appointment, employment,  
 204 compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of  
 205 a public officer or employee ~~but not when receiving evidence or interviewing a director,~~  
 206 chief executive, chief administrator, or other official with a similar role or title. This

207 exception shall not apply to the receipt of documents, statements, or testimony or when  
 208 hearing argument on charges filed to determine disciplinary action or dismissal of a  
 209 public officer or employee or when considering or discussing matters of policy regarding  
 210 the employment or hiring practices of the agency. The vote on any matter covered by this  
 211 paragraph shall be taken in public and minutes of the meeting as provided in this chapter  
 212 shall be made available. Meetings by an agency to discuss or take action on the filling  
 213 of a vacancy in the membership of the agency itself shall at all times be open to the public  
 214 as provided in this chapter;

215 (7) Adoptions and proceedings related thereto;

216 (8) Meetings of the board of trustees or the investment committee of any public  
 217 retirement system created by or subject to Title 47 when such board or committee is  
 218 discussing matters pertaining to investment securities trading or investment portfolio  
 219 positions and composition; ~~and~~

220 ~~(9) Meetings when discussing any records that are~~ Portions of meetings during which  
 221 that portion of a record made exempt from public inspection or disclosure pursuant to  
 222 ~~paragraph (15) of subsection (a) of Code Section 50-18-72, when discussing any~~  
 223 ~~information a record of which would be exempt from public inspection or disclosure~~  
 224 ~~under said paragraph, or when reviewing or discussing any security plan under~~  
 225 ~~consideration pursuant to paragraph (10) of subsection (a) of Code Section 15-16-10~~  
 226 Article 4 of Chapter 18 of this title is to be considered by an agency and would be  
 227 disclosed if the meeting were not closed; and

228 (10) Gatherings involving an agency and one or more neutral third parties in mediation  
 229 or nonbinding arbitration of a dispute between the agency and any other party. In such  
 230 a gathering, the neutral party may caucus jointly or independently with the parties to the  
 231 mediation or arbitration to facilitate a resolution to the conflict, and any such caucus shall  
 232 not be subject to the requirements of this chapter. Any decision or resolution agreed to  
 233 by an agency at any such caucus shall not become effective until ratified in a public  
 234 meeting and the terms of any such decision or resolution are disclosed to the public.

235 50-14-4.

236 (a) When any meeting of an agency is closed to the public pursuant to any provision of this  
 237 chapter, the specific reasons for such closure shall be entered upon the official minutes, the  
 238 meeting shall not be closed to the public except by a majority vote of a quorum present for  
 239 the meeting, the minutes shall reflect the names of the members present and the names of  
 240 those voting for closure, and that part of the minutes shall be made available to the public  
 241 as any other minutes. Where a meeting of an agency is devoted in part to matters within  
 242 the exceptions provided by law, any portion of the meeting not subject to any such

243 exception, privilege, or confidentiality shall be open to the public, and the minutes of such  
 244 portions not subject to any such exception shall be taken, recorded, and open to public  
 245 inspection as provided in subsection (e) of Code Section 50-14-1.

246 (b) When any meeting of an agency is closed to the public pursuant to subsection (a) of  
 247 this Code section, the chairperson or other person presiding over such meeting shall  
 248 execute and file with the official minutes of the meeting a notarized affidavit stating under  
 249 oath that the subject matter of the meeting or the closed portion thereof was devoted to  
 250 matters within the exceptions provided by law and identifying the specific relevant  
 251 exception.

252 50-14-5.

253 (a) The superior courts of this state shall have jurisdiction to enforce compliance with the  
 254 provisions of this chapter, including the power to grant injunctions or other equitable relief.  
 255 In addition to any action that may be brought by any person, firm, corporation, or other  
 256 entity, the Attorney General shall have authority to bring enforcement actions, either civil  
 257 or criminal, in his or her discretion as may be appropriate to enforce compliance with this  
 258 chapter.

259 (b) In any action brought to enforce the provisions of this chapter in which the court  
 260 determines that an agency acted without substantial justification in not complying with this  
 261 chapter, the court shall, unless it finds that special circumstances exist, assess in favor of  
 262 the complaining party reasonable attorney's fees and other litigation costs reasonably  
 263 incurred. Whether the position of the complaining party was substantially justified shall  
 264 be determined on the basis of the record as a whole which is made in the proceeding for  
 265 which fees and other expenses are sought.

266 (c) Any agency or person who provides access to information in good faith reliance on the  
 267 requirements of this chapter shall not be liable in any action on account of having provided  
 268 access to such information.

269 50-14-6.

270 Any person knowingly and willfully conducting or participating in a meeting in violation  
 271 of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by  
 272 a fine not to exceed ~~\$500.00~~ \$1,000.00. Alternatively, a fine may be imposed by the court  
 273 in any civil action brought pursuant to this chapter against any person who knowingly and  
 274 willfully violates the terms of this chapter in an amount not to exceed \$1,000.00 for the  
 275 first violation. A fine not to exceed \$2,500.00 per violation may be imposed for each  
 276 additional violation that the violator commits within a 12 month period from the date that

277 the first fine was imposed. It shall be a defense to any criminal action under this Code  
 278 section that a person has acted in good faith in his or her actions."

279 **SECTION 2.**

280 Said title is further amended by revising Article 4 of Chapter 18, relating to inspection of  
 281 public records, as follows:

282 "ARTICLE 4

283 50-18-70.

284 (a) The General Assembly finds and declares that the strong public policy of this state is  
 285 in favor of open government; that open government is essential to a free, open, and  
 286 democratic society; and that public access to public records should be encouraged to foster  
 287 confidence in government and in order that the public can evaluate the expenditure of  
 288 public funds and the efficient and proper functioning of its institutions. The General  
 289 Assembly further finds and declares that there is a strong presumption that public records  
 290 should be made available for public inspection without delay. This article shall be broadly  
 291 construed to allow the inspection of governmental records and its exceptions interpreted  
 292 narrowly to exclude only those portions of records addressed by an exception.

293 (b) As used in this article, the term:

294 (1) 'Agency' means every state or local department, agency, board, bureau, office,  
 295 commission, public corporation, and authority; district; county; municipal corporation;  
 296 hospital authority; other political subdivision of any kind of state or local government;  
 297 and qualifying nonprofit organization. The term 'agency' shall also include any  
 298 association, corporation, or other similar organization that has a membership or  
 299 ownership body composed primarily of counties, municipal corporations, or school  
 300 districts of this state, their officers, or any combination thereof and derives a substantial  
 301 portion of its general operating budget from payments from such political subdivisions.  
 302 The term 'agency' shall not include political or governmental bodies that are within the  
 303 judicial or legislative branches.

304 (2) ~~'public record' shall mean~~ 'Public document' means all documents, papers, letters,  
 305 maps, books, tapes, photographs, computer based or generated information, or similar  
 306 material prepared and maintained or received ~~in the course of the operation of a public~~  
 307 ~~office or agency~~ by an agency or by a private person or entity in the performance of a  
 308 service or function for or on behalf of an agency or when such documents have been  
 309 transferred to a private person or entity by an agency for storage or future governmental  
 310 use. 'Public record' shall also mean such items received or maintained by a private person

311 ~~or entity on behalf of a public office or agency which are not otherwise subject to~~  
 312 ~~protection from disclosure; provided, however, this Code section shall be construed to~~  
 313 ~~disallow an agency's placing or causing such items to be placed in the hands of a private~~  
 314 ~~person or entity for the purpose of avoiding disclosure. Records received or maintained~~  
 315 ~~by a private person, firm, corporation, or other private entity in the performance of a~~  
 316 ~~service or function for or on behalf of an agency, a public agency, or a public office shall~~  
 317 ~~be subject to disclosure to the same extent that such records would be subject to~~  
 318 ~~disclosure if received or maintained by such agency, public agency, or public office. As~~  
 319 ~~used in this article, the term 'agency' or 'public agency' or 'public office' shall have the~~  
 320 ~~same meaning and application as provided for in the definition of the term 'agency' in~~  
 321 ~~paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally include~~  
 322 ~~any association, corporation, or other similar organization which: (1) has a membership~~  
 323 ~~or ownership body composed primarily of counties, municipal corporations, or school~~  
 324 ~~districts of this state or their officers or any combination thereof; and (2) derives a~~  
 325 ~~substantial portion of its general operating budget from payments from such political~~  
 326 ~~subdivisions. This Code section shall not be construed to allow an agency to transfer or~~  
 327 ~~cause to be transferred records to a private person or entity for the purpose of avoiding~~  
 328 ~~disclosure.~~

329 (3) 'Qualifying nonprofit organization' means any nonprofit organization subject to  
 330 Chapter 14 of this title under subparagraph (a)(1)(E) of Code Section 50-14-1.

331 ~~(b) All public records of an agency as defined in subsection (a) of this Code section,~~  
 332 ~~except those which by order of a court of this state or by law are prohibited or specifically~~  
 333 ~~exempted from being open to inspection by the general public, shall be open for a personal~~  
 334 ~~inspection by any citizen of this state at a reasonable time and place; and those in charge~~  
 335 ~~of such records shall not refuse this privilege to any citizen.~~

336 ~~(c) Any computerized index of a county real estate deed records shall be printed for~~  
 337 ~~purposes of public inspection no less than every 30 days and any correction made on such~~  
 338 ~~index shall be made a part of the printout and shall reflect the time and date that said index~~  
 339 ~~was corrected.~~

340 ~~(d) No public officer or agency shall be required to prepare reports, summaries, or~~  
 341 ~~compilations not in existence at the time of the request.~~

342 ~~(e) In a pending proceeding under Chapter 13 of this title, the 'Georgia Administrative~~  
 343 ~~Procedure Act,' or under any other administrative proceeding authorized under Georgia~~  
 344 ~~law, a party may not access public records pertaining to the subject of the proceeding~~  
 345 ~~pursuant to this article without the prior approval of the presiding administrative law judge,~~  
 346 ~~who shall consider such open record request in the same manner as any other request for~~  
 347 ~~information put forth by a party in such a proceeding. This subsection shall not apply to~~

348 ~~any proceeding under Chapter 13 of this title, relating to the revocation, suspension,~~  
 349 ~~annulment, withdrawal, or denial of a professional education certificate, as defined in Code~~  
 350 ~~Section 20-2-200, or any personnel proceeding authorized under Part 7 and Part 11 of~~  
 351 ~~Article 17 and Article 25 of Chapter 2 of Title 20.~~

352 ~~(f) The individual in control of such public record or records shall have a reasonable~~  
 353 ~~amount of time to determine whether or not the record or records requested are subject to~~  
 354 ~~access under this article and to permit inspection and copying. In no event shall this time~~  
 355 ~~exceed three business days. Where responsive records exist but are not available within~~  
 356 ~~three business days of the request, a written description of such records, together with a~~  
 357 ~~timetable for their inspection and copying, shall be provided within that period; provided,~~  
 358 ~~however, that records not subject to inspection under this article need not be made available~~  
 359 ~~for inspection and copying or described other than as required by subsection (h) of Code~~  
 360 ~~Section 50-18-72, and no records need be made available for inspection or copying if the~~  
 361 ~~public officer or agency in control of such records shall have obtained, within that period~~  
 362 ~~of three business days, an order based on an exception in this article of a superior court of~~  
 363 ~~this state staying or refusing the requested access to such records.~~

364 ~~(g) At the request of the person, firm, corporation, or other entity requesting such records,~~  
 365 ~~records maintained by computer shall be made available where practicable by electronic~~  
 366 ~~means, including Internet access, subject to reasonable security restrictions preventing~~  
 367 ~~access to nonrequested or nonavailable records.~~

368 50-18-71.

369 ~~(a) In all cases where an interested member of the public has a right to inspect or take~~  
 370 ~~extracts or make copies from any public records, instruments, or documents, any such~~  
 371 ~~person shall have the right of access to the records, documents, or instruments for the~~  
 372 ~~purpose of making photographs or reproductions of the same while in the possession,~~  
 373 ~~custody, and control of the lawful custodian thereof, or his authorized deputy. Such work~~  
 374 ~~shall be done under the supervision of the lawful custodian of the records, who shall have~~  
 375 ~~the right to adopt and enforce reasonable rules governing the work. The work shall be done~~  
 376 ~~in the room where the records, documents, or instruments are kept by law. While the work~~  
 377 ~~is in progress, the custodian may charge the person making the photographs or~~  
 378 ~~reproductions of the records, documents, or instruments at a rate of compensation to be~~  
 379 ~~agreed upon by the person making the photographs and the custodian for his services or the~~  
 380 ~~services of a deputy in supervising the work All public documents shall be open for~~  
 381 ~~personal inspection and copying, except those which by order of a court of this state or by~~  
 382 ~~law are specifically exempted from disclosure. Records shall be maintained by agencies~~  
 383 ~~consistent with the record retention requirements of Article 5 of this chapter.~~

384 ~~(b)(1) Where fees for certified copies or other copies or records are specifically~~  
 385 ~~authorized or otherwise prescribed by law, such specific fee shall apply~~ Agencies shall  
 386 produce all records for inspection within a reasonable amount of time not to exceed three  
 387 business days of receipt of a request. An agency may, but is not obligated to, require that  
 388 a request be made in writing, and the agency may, but is not obligated to, require that the  
 389 request be made upon the agency's director, chairperson, or chief executive officer,  
 390 however denominated; the senior official at any satellite office of an agency; a clerk  
 391 specifically designated by an agency as the custodian of agency records; or a duly  
 392 designated open records officer of an agency; provided, however, that the agency may  
 393 only require that the request provide a description of the records requested and the  
 394 requested manner of their delivery; and provided, further, that the absence or  
 395 unavailability of the designated agency officer or employee shall not be permitted to  
 396 delay the agency's response. In those instances where some, but not all, records can be  
 397 produced within three business days, an agency shall make available within that period  
 398 those records that can be located and produced. At the time of inspection, any person  
 399 may make photographic copies or other electronic reproductions of the records using  
 400 suitable portable devices brought to the place of inspection.

401 (2) Each agency may designate in writing one or more open records officers upon whom  
 402 requests for inspection or copying of records may be delivered in addition to delivery of  
 403 requests to the director, chairperson, or chief executive officer, however denominated,  
 404 of every such agency. Each agency shall immediately provide notice to any person upon  
 405 request, orally or in writing, of those open records officers. In the event that an agency  
 406 requires that requests be in writing pursuant to paragraph (1) of this subsection, the  
 407 three-day period for response to a request under this article to inspect, copy, or produce  
 408 records shall not begin to run until a request is made in writing upon either a duly  
 409 designated open records officer or director, chairperson, or chief executive officer,  
 410 however denominated, of such agency. An agency shall permit receipt of written  
 411 requests by e-mail or facsimile transmission in addition to any other methods of  
 412 transmission approved by the agency, provided such agency uses e-mail or facsimile in  
 413 the normal course of its business.

414 (3) Notwithstanding the provisions of paragraph (2) of this subsection, the agenda, a  
 415 summary of matters acted upon, or the minutes of an agency's most recent meeting, and  
 416 the agenda of the agency's next meeting, if it has been prepared, shall be made available  
 417 upon receipt of an oral request.

418 (c)(1) Where no fee is otherwise provided by law, the agency may charge and collect a  
 419 uniform copying fee not to exceed 25¢ per page An agency may impose a reasonable  
 420 charge for the search, retrieval, redaction, and production or copying costs for the

421 production of records pursuant to this article. Where fees for certified copies or other  
422 copies or records are specifically authorized or otherwise prescribed by law, such specific  
423 fee shall apply when certified copies or other records to which a specific fee may apply  
424 are sought. In all other instances, the charge for the search, retrieval, or redaction of  
425 records shall not exceed the prorated hourly salary of the lowest paid full-time employee  
426 who, in the discretion of the custodian of the records, has the necessary skill and training  
427 to perform the request; provided, however, that no charge shall be made for the first  
428 quarter hour, and an agency shall utilize the most economical means reasonably  
429 calculated to identify responsive, nonexcluded documents.

430 (2) An agency may impose a reasonable charge for administrative costs involved in  
431 making redactions from records only when such redactions comply with exceptions to  
432 this article that protect the confidentiality or privacy of information regarding private  
433 individuals or entities.

434 (3) In addition to a charge for the search, retrieval, or redaction of records, an agency  
435 may charge a fee for the copying of records or data, not to exceed 25¢ per page or, in the  
436 case of electronic records, the actual cost of media on which the records or data are  
437 produced.

438 (4) Whenever any person has requested to inspect or copy a public record and does not  
439 pay the cost for search, retrieval, redaction, or copying of such records when such charges  
440 have been lawfully estimated and agreed to pursuant to this article, and regardless of  
441 whether the requester inspects or accepts copies of the records, an agency, except for a  
442 qualifying nonprofit organization, is authorized to collect such charges in any manner  
443 authorized by law for the collection of taxes, fees, or assessments.

444 ~~(d) In addition, a reasonable charge may be collected for search, retrieval, and other direct~~  
445 ~~administrative costs for complying with a request under this Code section. The hourly~~  
446 ~~charge shall not exceed the salary of the lowest paid full-time employee who, in the~~  
447 ~~discretion of the custodian of the records, has the necessary skill and training to perform~~  
448 ~~the request; provided, however, that no charge shall be made for the first quarter hour~~ In  
449 any instance where an agency cannot produce records within three business days of receipt  
450 of the request, the agency shall write the requester within this time period and inform the  
451 requester when the records will be available for inspection or copying. In any instance in  
452 which an agency has decided to withhold all or part of a requested record, the agency shall  
453 write the requester within a reasonable amount of time not to exceed three business days  
454 to provide the specific legal authority exempting the requested record or records from  
455 disclosure by Code section, subsection, and paragraph. In any instance in which an agency  
456 will seek costs in excess of \$25.00 for responding to a request, the agency shall write the  
457 requester within a reasonable amount of time not to exceed three business days and inform

458 the requester of the estimate of the costs, and the agency may defer search and retrieval of  
 459 the records until the requester agrees to pay the estimated costs unless the requester has  
 460 stated in his or her request a willingness to pay an amount that exceeds the search and  
 461 retrieval costs. In any instance in which the estimated costs for production of the records  
 462 exceeds \$500.00, an agency may insist on prepayment of the costs prior to beginning  
 463 search, retrieval, review, or production of the records. Whenever any person who has  
 464 requested to inspect or copy a public record has not paid the cost for search, retrieval,  
 465 redaction, or copying of such records when such charges have been lawfully estimated and  
 466 agreed to, an agency shall not be required to produce further records to such person until  
 467 the costs for the prior production of records have been paid.

468 ~~(e) An agency shall utilize the most economical means available for providing copies of~~  
 469 ~~public records~~ Records that are sought as part of or for use in any ongoing civil or  
 470 administrative litigation shall be subject to the rules governing production of documents  
 471 in such litigation and shall not be subject to this article. This subsection shall not apply to  
 472 any proceeding under Chapter 13 of this title, relating to the revocation, suspension,  
 473 annulment, withdrawal, or denial of a professional education certificate, as defined in Code  
 474 Section 20-2-200, or any personnel proceeding authorized under Article 25 or Part 7 or 11  
 475 of Article 17 of Chapter 2 of Title 20.

476 ~~(f) Where information requested is maintained by computer, an agency may charge the~~  
 477 ~~public its actual cost of a computer disk or tape onto which the information is transferred~~  
 478 ~~and may charge for the administrative time involved as set forth in subsection (d) of this~~  
 479 ~~Code section~~ Agencies shall produce electronic copies of or, if the requester prefers,  
 480 printouts of data or selected data fields from data bases that the agency maintains using the  
 481 computer programs or subroutines that the agency has in its possession. An agency shall  
 482 not refuse to produce such data or data fields on the grounds that redaction of exempted  
 483 information will require inputting commands or instructions into an agency's computer  
 484 system so long as such commands or instructions can be inputted using the computer  
 485 programs that the agency routinely uses to access the data. An agency shall not be required  
 486 to create new programs, subroutines, functions, or formats to produce such data and shall  
 487 not be required to produce the programs or subroutines necessary to read the data in  
 488 electronic format if a computer printout that complies with this subsection is provided.  
 489 Any person or entity may request that data or electronic records or information be produced  
 490 in the format in which such data or electronic records are kept by the agency, and in such  
 491 instance, the data or electronic records may be downloaded onto suitable electronic media  
 492 by the agency. Except as otherwise provided by law, no public officer or agency shall be  
 493 required to prepare reports, summaries, or compilations not in existence at the time of the  
 494 request or to answer interrogatories propounded by a requester.

495 (g) ~~Whenever any person has requested one or more copies of a public record and such~~  
 496 ~~person does not pay the copying charges and charges for search, retrieval, or other direct~~  
 497 ~~administrative costs in accordance with the provisions of this Code section:~~

498 ~~(1) A county or a department, agency, board, bureau, commission, authority, or similar~~  
 499 ~~body of a county is authorized to collect such charges in any manner authorized by law~~  
 500 ~~for the collection of taxes, fees, or assessments owed to the county;~~

501 ~~(2) A municipal corporation or a department, agency, board, bureau, commission,~~  
 502 ~~authority, or similar body of a municipal corporation is authorized to collect such charges~~  
 503 ~~in any manner authorized by law for the collection of taxes, fees, or assessments owed~~  
 504 ~~to the municipal corporation;~~

505 ~~(3) A consolidated government or a department, agency, board, bureau, commission,~~  
 506 ~~authority, or similar body of a consolidated government is authorized to collect such~~  
 507 ~~charges in any manner authorized by law for the collection of taxes, fees, or assessments~~  
 508 ~~owed to the consolidated government;~~

509 ~~(4) A county school board or a department, agency, board, bureau, commission,~~  
 510 ~~authority, or similar body of a county school board is authorized to collect such charges~~  
 511 ~~in any manner authorized by law for the collection of taxes, fees, or assessments owed~~  
 512 ~~to the county;~~

513 ~~(5) An independent school board or a department, agency, board, bureau, commission,~~  
 514 ~~authority, or similar body of an independent school board is authorized to collect such~~  
 515 ~~charges in any manner authorized by law for the collection of taxes, fees, or assessments~~  
 516 ~~owed to the municipal corporation; and~~

517 ~~(6) A joint or regional authority or instrumentality which serves one or more counties~~  
 518 ~~and one or more municipal corporations, two or more counties, or two or more municipal~~  
 519 ~~corporations is authorized to collect such charges in any manner authorized by law for~~  
 520 ~~the collection of taxes, fees, or assessments owed to the county if a county is involved~~  
 521 ~~with the authority or instrumentality or in any manner authorized by law for the collection~~  
 522 ~~of taxes, fees, or assessments owed to the municipal corporation if a municipal~~  
 523 ~~corporation is involved with the authority or instrumentality.~~

524 ~~This subsection shall apply whether or not the person requesting the copies has appeared~~  
 525 ~~to receive the copies~~ Requests to inspect or copy electronic messages, whether in the form  
 526 of e-mail, text message, or other format, should contain information about the messages  
 527 that is reasonably calculated to allow the recipient of the request to locate the messages  
 528 sought, including, if known, the name, title, or office of the specific person or persons  
 529 whose electronic messages are sought and, to the extent possible, the specific data bases  
 530 to be searched for such messages.

531 (h) In lieu of providing separate printouts or copies of records or data, an agency may  
532 provide access to records through a website accessible by the public. However, if an  
533 agency receives a request for a data base or fields from a data base, an agency shall not  
534 refuse to provide the responsive data base or fields on the grounds that the data is available  
535 in whole or in its constituent parts through a website if the requester seeks the data in the  
536 electronic format in which it is kept. Additionally, if an agency contracts with a private  
537 vendor to collect or maintain public records, the agency shall ensure that the arrangement  
538 does not limit public access to those records.

539 (i) Any computerized index of county real estate deed records shall be printed for purposes  
540 of public inspection no less than every 30 days, and any correction made on such index  
541 shall be made a part of the printout and shall reflect the time and date that such index was  
542 corrected.

543 (j)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court  
544 as evidence in a criminal or civil trial shall not be open to public inspection without  
545 approval of the judge assigned to the case.

546 (2) Except as provided in paragraph (4) of this subsection, in the event inspection is not  
547 approved by the court, in lieu of inspection of such an exhibit, the custodian of such an  
548 exhibit shall, upon request, provide one or more of the following representations of the  
549 exhibit:

550 (A) A photograph;

551 (B) A photocopy;

552 (C) A facsimile; or

553 (D) Another reproduction.

554 (3) The provisions of this article regarding fees for production of a record shall apply to  
555 exhibits produced according to this subsection.

556 (4) Any physical evidence that is used as an exhibit in a criminal or civil trial to show  
557 or support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not  
558 be open to public inspection except as provided in subsection (a) of this Code section.  
559 If the judge approves inspection of such physical evidence, the judge shall designate, in  
560 writing, the facility owned or operated by an agency of state or local government where  
561 such physical evidence may be inspected. If the judge permits inspection, such property  
562 or material shall not be photographed, copied, or reproduced by any means. Any person  
563 who violates the provisions of this subsection shall be guilty of a felony and, upon  
564 conviction thereof, shall be punished by imprisonment for not less than one nor more than  
565 20 years or by a fine of not more than \$100,000.00, or both.

566 ~~50-18-71.1.~~

567 ~~(a) Notwithstanding any other provision of this article, an exhibit tendered to the court as~~  
 568 ~~evidence in a criminal or civil trial shall not be open to public inspection without approval~~  
 569 ~~of the judge assigned to the case or, if no judge has been assigned, approval of the chief~~  
 570 ~~judge or, if no judge has been designated chief judge, approval of the judge most senior in~~  
 571 ~~length of service on the court.~~

572 ~~(b) Except as provided in subsection (d) of this Code section, in the event inspection is not~~  
 573 ~~approved by the court, in lieu of inspection of such an exhibit, the custodian of such an~~  
 574 ~~exhibit shall, upon request, provide one or more of the following representations of the~~  
 575 ~~exhibit:~~

576 ~~(1) A photograph;~~

577 ~~(2) A photocopy;~~

578 ~~(3) A facsimile; or~~

579 ~~(4) Another reproduction.~~

580 ~~(c) The provisions of subsections (b), (c), (d), and (e) of Code Section 50-18-71 shall apply~~  
 581 ~~to fees, costs, and charges for providing a photocopy of such an exhibit. Fees for providing~~  
 582 ~~a photograph, facsimile, or other reproduction of such an exhibit shall not exceed the cost~~  
 583 ~~of materials or supplies and a reasonable charge for time spent producing the photograph,~~  
 584 ~~facsimile, or other reproduction, in accordance with subsections (d) and (e) of Code~~  
 585 ~~Section 50-18-71.~~

586 ~~(d) Any physical evidence that is evidence of a violation of Part 2 of Article 3 of~~  
 587 ~~Chapter 12 of Title 16, that is used as an exhibit in a criminal or civil trial, shall not be~~  
 588 ~~open to public inspection except as provided in subsection (a) of this Code section. If the~~  
 589 ~~judge approves inspection of such physical evidence, the judge shall designate, in writing,~~  
 590 ~~the location where such physical evidence may be inspected, which location shall be in a~~  
 591 ~~facility owned or operated by an agency of state or local government. If the judge permits~~  
 592 ~~inspection, such property or material shall not be photographed, copied, or reproduced by~~  
 593 ~~any means. Any person who violates the provisions of this subsection shall be guilty of a~~  
 594 ~~felony and, upon conviction thereof, shall be punished by imprisonment for not less than~~  
 595 ~~one nor more than 20 years and by a fine of not more than \$100,000.00, or both.~~

596 ~~50-18-71.2.~~

597 ~~Any agency receiving a request for public records shall be required to notify the party~~  
 598 ~~making the request of the estimated cost of the copying, search, retrieval, and other~~  
 599 ~~administrative fees authorized by Code Section 50-18-71 as a condition of compliance with~~  
 600 ~~the provisions of this article prior to fulfilling the request as a condition for the assessment~~

601 ~~of any fee; provided, however, that no new fees other than those directly attributable to~~  
 602 ~~providing access shall be assessed where records are made available by electronic means.~~

603 50-18-72.

604 (a) Public disclosure shall not be required for records that are:

605 (1) Specifically required by federal statute or regulation to be kept confidential;

606 (2) Medical or veterinary records and similar files, the disclosure of which would be an  
 607 invasion of personal privacy;

608 (3) Except as otherwise provided by law, records compiled for law enforcement or  
 609 prosecution purposes to the extent that production of such records would disclose the  
 610 identity of a confidential source, disclose confidential investigative or prosecution  
 611 material which would endanger the life or physical safety of any person or persons, or  
 612 disclose the existence of a confidential surveillance or investigation;

613 (4) Records of law enforcement, prosecution, or regulatory agencies in any pending  
 614 investigation or prosecution that they are conducting of criminal or unlawful activity,  
 615 other than initial police arrest reports and initial incident reports; provided, however, that  
 616 an investigation or prosecution shall no longer be deemed to be pending when all direct  
 617 litigation involving said investigation and prosecution has become final or otherwise  
 618 terminated;

619 ~~(4.1)~~(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the  
 620 submission of a written statement of need by the requesting party, ~~such statement~~ to be  
 621 provided to the custodian of records and to set forth the need for the report pursuant to  
 622 this Code section; provided, however, that any person or entity whose name or  
 623 identifying information is contained in a Georgia Uniform Motor Vehicle Accident  
 624 Report shall be entitled, either personally or through a lawyer or other representative, to  
 625 receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle  
 626 Accident Reports shall not be available in bulk for inspection or copying by any person  
 627 absent a written statement showing the need for each such report pursuant to the  
 628 requirements of this Code section. For the purposes of this subsection, the term 'need'  
 629 means that the natural person or legal entity who is requesting in person or by  
 630 representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

631 (A) Has a personal, professional, or business connection with a party to the accident;

632 (B) Owns or leases an interest in property allegedly or actually damaged in the  
 633 accident;

634 (C) Was allegedly or actually injured by the accident;

635 (D) Was a witness to the accident;

- 636 (E) Is the actual or alleged insurer of a party to the accident or of property actually or  
637 allegedly damaged by the accident;
- 638 (F) Is a prosecutor or a publicly employed law enforcement officer;
- 639 (G) Is alleged to be liable to another party as a result of the accident;
- 640 (H) Is an attorney stating that he or she needs the requested reports as part of a criminal  
641 case; or an investigation of a potential claim involving contentions that a roadway,  
642 railroad crossing, or intersection is unsafe;
- 643 (I) Is gathering information as a representative of a news media organization;
- 644 (J) Is conducting research in the public interest for such purposes as accident  
645 prevention, prevention of injuries or damages in accidents, determination of fault in an  
646 accident or accidents, or other similar purposes; provided, however, this subparagraph  
647 ~~will~~ shall apply only to accident reports on accidents that occurred more than 30 days  
648 prior to the request and which shall have the name, street address, telephone number,  
649 and driver's license number redacted; or
- 650 (K) Is a governmental official, entity, or agency, or an authorized agent thereof,  
651 requesting reports for the purpose of carrying out governmental functions or legitimate  
652 governmental duties;
- 653 ~~(5)~~(6) Records ~~that consist~~ consisting of confidential evaluations submitted to, or  
654 examinations prepared by, a governmental agency and prepared in connection with the  
655 appointment or hiring of a public officer or employee;
- 656 ~~(7) and records~~ Records consisting of material obtained in investigations related to the  
657 suspension, firing, or investigation of complaints against public officers or employees  
658 until ten days after the same has been presented to the agency or an officer for action or  
659 the investigation is otherwise concluded or terminated, provided that this paragraph shall  
660 not be interpreted to make such investigatory records privileged;
- 661 ~~(6)(A)~~(8) Real estate appraisals, engineering or feasibility estimates, or other records  
662 made for or by the state or a local agency relative to the acquisition of real property until  
663 such time as the property has been acquired or the proposed transaction has been  
664 terminated or abandoned; ~~and~~
- 665 ~~(B)~~(9) ~~Engineers' cost estimates and pending,~~ Pending, rejected, or deferred sealed bids  
666 or sealed proposals and cost estimates related thereto until such time as the final award  
667 of the contract is made or the project is terminated or abandoned. ~~The provisions of this~~  
668 ~~subparagraph shall apply whether the bid or proposal is received or prepared by the~~  
669 ~~Department of Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county~~  
670 ~~pursuant to Article 3 of Chapter 4 of Title 32, by a municipality pursuant to Article 4 of~~  
671 ~~Chapter 4 of Title 32, or by a governmental entity pursuant to Article 2 of Chapter 91 of~~  
672 ~~Title 36;~~

673 ~~(7)~~(10) Notwithstanding any other provision of this article, an agency shall not be  
 674 required to release those portions of records Records which would identify persons  
 675 applying for or under consideration for employment or appointment as director, chief  
 676 executive, chief administrator, or other official with a similar role or title as head of an  
 677 agency as that term is defined in paragraph (1) of subsection (a) of Code Section 50-14-1,  
 678 or of a unit of the University System of Georgia; provided, however, that at least  
 679 14 calendar days prior to the meeting at which final action or vote is to be taken on the  
 680 position, ~~the agency shall release all documents which came into its possession with~~  
 681 ~~respect to as many as~~ concerning as many as three persons under consideration whom the  
 682 agency has determined to be the best qualified for the position ~~and from among whom~~  
 683 ~~the agency intends to fill the position~~ shall be subject to inspection and copying. Prior  
 684 to the release of these documents, an agency may allow such a person to decline being  
 685 considered further for the position rather than have documents pertaining to ~~the~~ such  
 686 person released. In that event, the agency shall release the documents of the next most  
 687 qualified person under consideration who does not decline the position. If an agency has  
 688 conducted its hiring or appointment process ~~open to the public~~ without conducting  
 689 interviews in executive session in a manner otherwise consistent with Chapter 14 of this  
 690 title, it shall not be required to delay 14 days to take final action on the position. The  
 691 agency shall not be required to release such records ~~with respect to~~ of other applicants or  
 692 persons under consideration, except at the request of any such person. Upon request, the  
 693 hiring agency shall furnish the number of applicants and the composition of the list by  
 694 such factors as race and sex. The agency shall not be allowed to avoid the provisions of  
 695 this paragraph by the employment of a private person or agency to assist with the search  
 696 or application process;

697 ~~(8)~~(11) Related to the provision of staff services to individual members of the General  
 698 Assembly by the Legislative and Congressional Reapportionment Office, the Senate  
 699 Research Office, or the House Research Office, provided that this exception shall not  
 700 have any application ~~with respect~~ to records related to the provision of staff services to  
 701 any committee or subcommittee or to any records which are or have been previously  
 702 publicly disclosed by or pursuant to the direction of an individual member of the General  
 703 Assembly;

704 ~~(9)~~(12) Records that are of historical research value which are given or sold to public  
 705 archival institutions, public libraries, or libraries of a unit of the Board of Regents of the  
 706 University System of Georgia when the owner or donor of such records wishes to place  
 707 restrictions on access to the records. No restriction on access, however, may extend more  
 708 than 75 years from the date of donation or sale. This exemption shall not apply to any

709 records prepared in the course of the operation of state or local governments of the State  
710 of Georgia;

711 ~~(10)~~(13) Records that contain information from the Department of Natural Resources  
712 inventory and register relating to the location and character of a historic property or of  
713 historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2  
714 if the Department of Natural Resources through its Division of Historic Preservation  
715 determines that disclosure will create a substantial risk of harm, theft, or destruction to  
716 the property or properties or the area or place where the property or properties are  
717 located;

718 ~~(10.1)~~(14) Records of farm water use by individual farms as determined by  
719 water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105;  
720 provided, however, that compilations of such records for the 52 large watershed basins  
721 as identified by the eight-digit United States Geologic Survey hydrologic code or an  
722 aquifer that do not reveal farm water use by individual farms shall be subject to  
723 disclosure under this article;

724 ~~(10.2)~~(15) Agricultural or food system records, data, or information that are considered  
725 by the ~~Georgia~~ Department of Agriculture to be a part of the critical infrastructure,  
726 provided that nothing in this paragraph shall prevent the release of such records, data, or  
727 information to another state or federal agency if the release of such records, data, or  
728 information is necessary to prevent or control disease or to protect public health, safety,  
729 or welfare. As used in this paragraph, the term 'critical infrastructure' shall have the same  
730 meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be  
731 subject to disclosure only upon the order of a court of competent jurisdiction;

732 ~~(10.3)~~(16) Records, data, or information collected, recorded, or otherwise obtained that  
733 is deemed confidential by the ~~Georgia~~ Department of Agriculture for the purposes of the  
734 national animal identification system, provided that nothing in this paragraph shall  
735 prevent the release of such records, data, or information to another state or federal agency  
736 if the release of such records, data, or information is necessary to prevent or control  
737 disease or to protect public health, safety, or welfare. As used in this paragraph, the term  
738 'national animal identification program' means a national program intended to identify  
739 animals and track them as they come into contact with or commingle with animals other  
740 than herdmates from their premises of origin. Such records, data, or information shall be  
741 subject to disclosure only upon the order of a court of competent jurisdiction;

742 ~~(11)~~(17) Records that contain ~~site-specific~~ site-specific information regarding the  
743 occurrence of rare species of plants or animals or the location of sensitive natural habitats  
744 on public or private property if the Department of Natural Resources determines that  
745 disclosure will create a substantial risk of harm, theft, or destruction to the species or

746 habitats or the area or place where the species or habitats are located; provided, however,  
 747 that the owner or owners of private property upon which rare species of plants or animals  
 748 occur or upon which sensitive natural habitats are located shall be entitled to such  
 749 information pursuant to this article;

750 ~~(11.1) An individual's social security number and insurance or medical information in~~  
 751 ~~personnel records, which may be redacted from such records;~~

752 ~~(11.2)(18)~~ Records that would reveal the names, home addresses, telephone numbers,  
 753 security codes, e-mail addresses, or any other data or information developed, collected,  
 754 or received by counties or municipalities in connection with neighborhood watch or  
 755 public safety notification programs or with the installation, servicing, maintaining,  
 756 operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other  
 757 electronic security systems; provided, however, that initial police reports and initial  
 758 incident reports shall remain subject to disclosure pursuant to paragraph (4) of this  
 759 subsection;

760 ~~(11.3)(19)(A) An~~ Records that reveal an individual's social security number, mother's  
 761 birth name, credit card information, debit card information, bank account information,  
 762 account number, ~~including~~ a utility account number, password used to access his or her  
 763 account, Internet account information, financial data or information, ~~and~~ insurance or  
 764 medical information in all records, unlisted telephone number if so designated in a  
 765 public record, personal e-mail address or cellular telephone number, and, if technically  
 766 feasible at reasonable cost, day and month of birth, which shall be redacted prior to  
 767 disclosure of any record requested pursuant to this article; provided, however, that such  
 768 information shall not be redacted from such records if the person or entity requesting  
 769 such records requests such information in a writing signed under oath by such person  
 770 or a person legally authorized to represent such entity which states that such person or  
 771 entity is gathering information as a representative of a news media organization for use  
 772 in connection with news gathering and reporting; and provided, further, that such access  
 773 shall be limited to social security numbers and day and month of birth; and provided,  
 774 further, that this news media organization exception ~~for access to social security~~  
 775 ~~numbers and day and month of birth and the other protected information~~ set forth in this  
 776 subparagraph shall not apply to ~~teachers, employees of a public school, or public~~  
 777 ~~employees as set forth in paragraph (13.1) (20)~~ of this subsection. For purposes of this  
 778 subparagraph, ~~the term 'public employee' means any nonelected employee of the State~~  
 779 ~~of Georgia or its agencies, departments, or commissions or any county or municipality~~  
 780 ~~or its agencies, departments, or commissions.~~

781 (B) This paragraph shall have no application to:

- 782 (i) The disclosure of information contained in the records or papers of any court or  
783 derived therefrom including without limitation records maintained pursuant to  
784 Article 9 of Title 11;
- 785 (ii) The disclosure of information to a court, prosecutor, or publicly employed law  
786 enforcement officer, or authorized agent thereof, seeking records in an official  
787 capacity;
- 788 (iii) The disclosure of information to a public employee of this state, its political  
789 subdivisions, or the United States who is obtaining such information for  
790 administrative purposes, in which case, subject to applicable laws of the United  
791 States, further access to such information shall continue to be subject to the provisions  
792 of this paragraph;
- 793 (iv) The disclosure of information as authorized by the order of a court of competent  
794 jurisdiction upon good cause shown to have access to any or all of such information  
795 upon such conditions as may be set forth in such order;
- 796 (v) The disclosure of information to the individual in respect of whom such  
797 information is maintained, with the authorization thereof, or to an authorized agent  
798 thereof; provided, however, that the agency maintaining such information shall  
799 require proper identification of such individual or such individual's agent, or proof of  
800 authorization, as determined by such agency;
- 801 (vi) The disclosure of the day and month of birth and mother's birth name of a  
802 deceased individual;
- 803 (vii) The disclosure by an agency of credit or payment information in connection  
804 with a request by a consumer reporting agency as that term is defined under the  
805 federal Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.);
- 806 (viii) The disclosure by an agency of information in its records in connection with the  
807 agency's discharging or fulfilling of its duties and responsibilities, including, but not  
808 limited to, the collection of debts owed to the agency or individuals or entities whom  
809 the agency assists in the collection of debts owed to the individual or entity;
- 810 (ix) The disclosure of information necessary to comply with legal or regulatory  
811 requirements or for legitimate law enforcement purposes; or
- 812 (x) The disclosure of the date of birth within criminal records.
- 813 (C) Records and information disseminated pursuant to this paragraph may be used only  
814 by the authorized recipient and only for the authorized purpose. Any person who  
815 obtains records or information pursuant to the provisions of this paragraph and  
816 knowingly and willfully discloses, distributes, or sells such records or information to  
817 an unauthorized recipient or for an unauthorized purpose shall be guilty of a  
818 misdemeanor of a high and aggravated nature and upon conviction thereof shall be

819 punished as provided in Code Section 17-10-4. Any person injured thereby shall have  
 820 a cause of action for invasion of privacy. Any prosecution pursuant to this paragraph  
 821 shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.

822 (D) In the event that the custodian of public records protected by this paragraph has  
 823 good faith reason to believe that a pending request for such records has been made  
 824 fraudulently, under false pretenses, or by means of false swearing, such custodian shall  
 825 apply to the superior court of the county in which such records are maintained for a  
 826 protective order limiting or prohibiting access to such records.

827 (E) This paragraph shall supplement and shall not supplant, overrule, replace, or  
 828 otherwise modify or supersede any provision of statute, regulation, or law of the federal  
 829 government or of this state as now or hereafter amended or enacted requiring,  
 830 restricting, or prohibiting access to the information identified in subparagraph (A) of  
 831 this paragraph and shall constitute only a regulation of the methods of such access  
 832 where not otherwise provided for, restricted, or prohibited;

833 (20) Records concerning public employees that reveal the home address, home telephone  
 834 number, social security number, insurance or medical information, mother's birth name,  
 835 credit card information, debit card information, bank account information, account  
 836 number, utility account number, password used to access his or her account, financial  
 837 data or information other than compensation by a government agency, unlisted telephone  
 838 number if so designated in a public record, and, if technically feasible at reasonable cost,  
 839 day and month of birth about public employees or which identify the immediate family  
 840 members or dependents. For the purposes of this paragraph, the term 'public employee'  
 841 means any officer or employee of the State of Georgia or its agencies, departments, or  
 842 commissions; any county or municipality or its agencies, departments, or commissions;  
 843 or other political subdivision of the state. Public employees shall also include teachers  
 844 in public and charter schools and nonpublic schools. This paragraph shall not apply to  
 845 public records that do not specifically identify public employees by their jobs, titles, or  
 846 offices;

847 ~~(12)~~(21) Public records containing information that would disclose or might lead to the  
 848 disclosure of any component in the process used to execute or adopt an electronic  
 849 signature, if such disclosure would or might cause the electronic signature to cease being  
 850 under the sole control of the person using it. For purposes of this paragraph, the term  
 851 'electronic signature' has the same meaning as that term is defined in Code  
 852 Section 10-12-2;

853 ~~(13) Records that would reveal the home address or telephone number, social security~~  
 854 ~~number, or insurance or medical information of employees of the Department of~~  
 855 ~~Revenue, law enforcement officers, firefighters as defined in Code Section 25-4-2,~~

856 ~~judges, emergency medical technicians and paramedics, scientists employed by the~~  
 857 ~~Division of Forensic Sciences of the Georgia Bureau of Investigation, correctional~~  
 858 ~~employees, and prosecutors or identification of immediate family members or dependents~~  
 859 ~~thereof;~~

860 ~~(13.1) Records that reveal the home address, the home telephone number, the e-mail~~  
 861 ~~address, or the social security number of or insurance or medical information about public~~  
 862 ~~employees or teachers and employees of a public school. For the purposes of this~~  
 863 ~~paragraph, the term 'public school' means any school which is conducted within this state~~  
 864 ~~and which is under the authority and supervision of a duly elected county or independent~~  
 865 ~~board of education. Public disclosure shall also not be required for records that reveal the~~  
 866 ~~home address, the home telephone number, the e-mail address, or the social security~~  
 867 ~~number of or insurance or medical information about employees or teachers of a~~  
 868 ~~nonpublic school;~~

869 ~~(13.2) Records that are kept by the probate court pertaining to guardianships and~~  
 870 ~~conservatorships except as provided in Code Section 29-9-18;~~

871 ~~(14)(22) Acquired Records acquired by an agency for the purpose of establishing or~~  
 872 ~~implementing, or assisting in the establishment or implementation of, a carpooling or~~  
 873 ~~ridesharing program, to the extent such records would reveal the name, home address,~~  
 874 ~~employment address, home telephone number, employment telephone number, or hours~~  
 875 ~~of employment of any individual or would otherwise identify any individual who is~~  
 876 ~~participating in, or who has expressed an interest in participating in, any such program.~~  
 877 ~~As used in this paragraph, the term 'carpooling or ridesharing program' means and~~  
 878 ~~includes, including, but is not limited to, the formation of carpools, vanpools, or~~  
 879 ~~buspools, the provision of transit routes, rideshare research, and the development of other~~  
 880 ~~demand management strategies such as variable working hours and telecommuting;~~

881 ~~(15)(23)(A) Records, the disclosure of which would compromise security against~~  
 882 ~~sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the~~  
 883 ~~protection of life, safety, or public property, which shall be limited to the following:~~

884 ~~(i) Security plans and vulnerability assessments for any public utility, technology~~  
 885 ~~infrastructure, building, facility, function, or activity in effect at the time of the~~  
 886 ~~request for disclosure or pertaining to a plan or assessment in effect at such time;~~

887 ~~(ii) Any plan for protection against terrorist or other attacks, which plan that depends~~  
 888 ~~for its effectiveness in whole or in part upon a lack of general public knowledge of its~~  
 889 ~~details;~~

890 ~~(iii) Any document relating to the existence, nature, location, or function of security~~  
 891 ~~devices designed to protect against terrorist or other attacks, which devices that~~

892 depend for their effectiveness in whole or in part upon a lack of general public  
893 knowledge; ~~and~~

894 (iv) Any plan, blueprint, or other material which if made public could compromise  
895 security against sabotage, criminal, or terroristic acts; and

896 (v) Records of any government sponsored programs providing training regarding  
897 government security measures that would identify instructors or persons being trained  
898 or reveal information of the type described in divisions (i) through (iv) of this  
899 subparagraph.

900 (B) In the event of litigation challenging nondisclosure pursuant to this paragraph by  
901 an agency of a document covered by this paragraph, the court may review the  
902 documents in question in camera and may condition, in writing, any disclosure upon  
903 such measures as the court may find to be necessary to protect against endangerment  
904 of life, safety, or public property.

905 (C) As used in ~~divisions~~ division (i) ~~and (iv)~~ of subparagraph (A) of this paragraph, the  
906 term 'activity' means deployment or surveillance strategies, actions mandated by  
907 changes in the federal threat level, motorcades, contingency plans, proposed or  
908 alternative motorcade routes, executive and dignitary protection, planned responses to  
909 criminal or terrorist actions, after-action reports still in use, proposed or actual plans  
910 and responses to bioterrorism, and proposed or actual plans and responses to requesting  
911 and receiving the National Pharmacy Stockpile;

912 ~~(16)~~(24) Unless the request is made by the accused in a criminal case or by his or her  
913 attorney, public records of an emergency 9-1-1 system, as defined in paragraph (3) of  
914 Code Section 46-5-122, containing information which would reveal the name, address,  
915 or telephone number of a person placing a call to a public safety answering point. Such;  
916 ~~which~~ information may be redacted from such records if necessary to prevent the  
917 disclosure of the identity of a confidential source, to prevent disclosure of material which  
918 would endanger the life or physical safety of any person or persons, or to prevent the  
919 disclosure of the existence of a confidential surveillance or investigation;

920 ~~(17)~~(25) Records of athletic or recreational programs, available through the state or a  
921 political subdivision of the state, that include information identifying a child or children  
922 12 years of age or under by name, address, telephone number, or emergency contact,  
923 unless such identifying information has been redacted;

924 ~~(18)~~(26) Records of the State Road and Tollway Authority which would reveal the  
925 financial accounts or travel history of any individual who is a motorist upon such any toll  
926 project. ~~Such financial records shall include but not be limited to social security number,~~  
927 ~~home address, home telephone number, e-mail address, credit or debit card information,~~  
928 ~~and bank account information but shall not include the user's name;~~

929 ~~(19)~~(27) Records maintained by public postsecondary educational institutions in this  
930 state and associated foundations of such institutions that contain personal information  
931 concerning donors or potential donors to such institutions or foundations; provided,  
932 however, that the name of any donor and the amount of donation made by such donor  
933 shall be subject to disclosure if such donor or any entity in which such donor has a  
934 substantial interest transacts business with the public postsecondary educational  
935 institution to which the donation is made within three years of the date of such donation.  
936 As used in this paragraph, the term 'transact business' means to sell or lease any personal  
937 property, real property, or services on behalf of oneself or on behalf of any third party as  
938 an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the  
939 aggregate in a calendar year and the term 'substantial interest' means the direct or indirect  
940 ownership of more than 25 percent of the assets or stock of an entity;

941 ~~(20)~~(28) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other  
942 transit system that is connected to that system's TransCard, ~~or~~ SmartCard, ~~or successor~~  
943 ~~or similar~~ system which would reveal the financial records or travel history of any  
944 individual who is a purchaser of a TransCard or SmartCard or similar fare medium. Such  
945 financial records shall include, but not be limited to, social security number, home  
946 address, home telephone number, e-mail address, credit or debit card information, and  
947 bank account information but shall not include the user's name;

948 ~~(21)~~(29) Building mapping information produced and maintained pursuant to Article 10  
949 of Chapter 3 of Title 38;

950 ~~(22)~~(30) Notwithstanding the provisions of paragraph (4) of this subsection, any physical  
951 evidence or investigatory materials that are evidence of an alleged violation of Part 2 of  
952 Article 3 of Chapter 12 of Title 16, ~~which~~ and are in the possession, custody, or control  
953 of law enforcement, prosecution, or regulatory agencies; ~~or~~

954 ~~(23)~~(31) Records that are expressly exempt from public inspection pursuant to Code  
955 Sections 47-1-14 and 47-7-127~~;~~;

956 (32) Any trade secrets obtained from a person or business entity that are required by law,  
957 regulation, bid, or request for proposal to be submitted to an agency. If the entity  
958 submitting documents containing trade secrets submits and attaches to the documents an  
959 affidavit affirmatively declaring that specific information in or parts of the documents  
960 constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10, such affidavit shall  
961 create a rebuttable presumption that the information so identified is in fact a trade secret,  
962 and the agency may to rely on such affidavit in determining that such information is not  
963 subject to disclosure. In the event a requester wishes to challenge an agency's  
964 determination that the information specified in the affidavit is a trade secret, the requester  
965 may file an action in superior court to obtain a declaratory judgment that the requested

966 records are not in fact trade secrets and are subject to disclosure. If the agency makes a  
 967 good faith determination that the specifically identified information does not in fact  
 968 constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to  
 969 disclose the information within 10 days unless prohibited from doing so by an appropriate  
 970 court order. In any civil action raising this paragraph as a basis for a claim or defense,  
 971 the requester, the agency, and the party who submitted the documents to the agency shall  
 972 be necessary parties;

973 ~~(b) This article shall not be applicable to:~~

974 ~~(1) Any trade secrets obtained from a person or business entity which are of a privileged~~  
 975 ~~or confidential nature and required by law to be submitted to a government agency or to~~  
 976 ~~(33) data, Data, records, or information of a proprietary nature, produced or collected by~~  
 977 ~~or for faculty or staff of state institutions of higher learning, or other governmental~~  
 978 ~~agencies, in the conduct of, or as a result of, study or research on commercial, scientific,~~  
 979 ~~technical, or scholarly issues, whether sponsored by the institution alone or in conjunction~~  
 980 ~~with a governmental body or private concern, where such data, records, or information~~  
 981 ~~has not been publicly released, published, copyrighted, or patented;~~

982 ~~(2)(34) Any data, records, or information developed, collected, or received by or on~~  
 983 ~~behalf of faculty, staff, employees, or students of an institution of higher education or any~~  
 984 ~~public or private entity supporting or participating in the activities of an institution of~~  
 985 ~~higher education in the conduct of, or as a result of, study or research on medical,~~  
 986 ~~scientific, technical, scholarly, or artistic issues, whether sponsored by the institution~~  
 987 ~~alone or in conjunction with a governmental body or private entity, until such information~~  
 988 ~~is published, patented, otherwise publicly disseminated, or released to an agency~~  
 989 ~~whereupon the request must be made to the agency. This subsection applies paragraph~~  
 990 ~~shall apply to, but is not limited to, information provided by participants in research,~~  
 991 ~~research notes and data, discoveries, research projects, methodologies, protocols, and~~  
 992 ~~creative works; or~~

993 ~~(35) Any record that would not be subject to disclosure, or the disclosure of which would~~  
 994 ~~jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or its~~  
 995 ~~implementing regulations;~~

996 ~~(3)(36) Unless otherwise provided by law, contract, bid, or proposal, records consisting~~  
 997 ~~of questions, scoring keys, and other materials; constituting a test that derives value from~~  
 998 ~~being unknown to the test taker prior to administration; which is to be administered by~~  
 999 ~~an agency, including, but not limited to, any public school, any unit of the Board of~~  
 1000 ~~Regents of the University System of Georgia, any public technical school, the State~~  
 1001 ~~Board of Education, the Office of Student Achievement, the Professional Standards~~  
 1002 ~~Commission, or a local school system, if reasonable measures are taken by the owner of~~

1003 the test to protect security and confidentiality; provided, however, that the State Board  
 1004 of Education may establish procedures whereby a person may view, but not copy, such  
 1005 records if viewing will not, in the judgment of the board, affect the result of  
 1006 administration of such test. These limitations shall not be interpreted by any court of law  
 1007 to include or otherwise exempt from inspection the records of any athletic association or  
 1008 other nonprofit entity promoting intercollegiate athletics;₂

1009 ~~(c)(1) All public records of hospital authorities shall be subject to this article except for~~  
 1010 ~~those otherwise excepted by this article or any other provision of law.~~

1011 ~~(2)(37) All state officers and employees shall have a privilege to refuse to disclose~~  
 1012 Records disclosing the identity or personally identifiable information of any person  
 1013 participating in research on commercial, scientific, technical, medical, scholarly, or  
 1014 artistic issues conducted by the Department of Community Health, the Department of  
 1015 Behavioral Health and Developmental Disabilities, or a state institution of higher  
 1016 education whether sponsored by the institution alone or in conjunction with a  
 1017 governmental body or private entity. ~~Personally identifiable information shall mean any~~  
 1018 ~~information which if disclosed might reasonably reveal the identity of such person~~  
 1019 ~~including but not limited to the person's name, address, and social security number. The~~  
 1020 ~~identity of such informant shall not be admissible in evidence in any court of the state~~  
 1021 ~~unless the court finds that the identity of the informant already has been disclosed~~  
 1022 ~~otherwise;₂~~

1023 ~~(d)(38) This article shall not be applicable to any application submitted to or any Any~~  
 1024 ~~permanent records maintained by a judge of the probate court pursuant to Code~~  
 1025 ~~Section 16-11-129, relating to weapons carry licenses, or pursuant to any other~~  
 1026 ~~requirement for maintaining records relative to the possession of firearms. ~~This~~~~  
 1027 ~~subsection shall not preclude law enforcement agencies from obtaining, except to the~~  
 1028 ~~extent that such records relating to licensing and possession of firearms are sought by law~~  
 1029 ~~enforcement agencies as provided by law;₂~~

1030 ~~(e) This article shall not be construed to repeal:~~

1031 ~~(1)(39) The Records containing communications subject to the attorney-client privilege~~  
 1032 ~~recognized by state law to the extent that a record pertains to the requesting or giving of~~  
 1033 ~~legal advice or the disclosure of facts concerning or pertaining to they involve pending~~  
 1034 ~~or potential litigation, settlement, claims, administrative proceedings, or other judicial~~  
 1035 ~~actions brought or to be brought by or against the agency or any officer or employee;~~  
 1036 ~~provided, however, attorney-client. Attorney-client information, however, may be~~  
 1037 ~~obtained in a proceeding under Code Section 50-18-73 to prove justification or lack~~  
 1038 ~~thereof in refusing disclosure of documents under this Code section provided the judge~~

1039 of the court in which said proceeding is pending shall first determine by an in camera  
1040 examination that such disclosure would be relevant on that issue;

1041 ~~(2)(40) The confidentiality of Confidential attorney work product; or~~

1042 ~~(3)(41) State laws making certain Records containing tax matters or tax information that~~  
1043 ~~is confidential: under state or federal law; or~~

1044 ~~(f)(1) As used in this article, the term:~~

1045 ~~(A) 'Computer program' means a set of instructions, statements, or related data that, in~~  
1046 ~~actual or modified form, is capable of causing a computer or computer system to~~  
1047 ~~perform specified functions.~~

1048 ~~(B) 'Computer software' means one or more computer programs, existing in any form,~~  
1049 ~~or any associated operational procedures, manuals, or other documentation.~~

1050 ~~(2)(42) This article shall not be applicable to Records consisting of any computer~~  
1051 ~~program or computer software used or maintained in the course of operation of a public~~  
1052 ~~office or agency; provided, however, that data generated, kept, or received by an agency~~  
1053 ~~shall be subject to inspection and copying as provided in this article.~~

1054 ~~(g)(b) This Code section shall be interpreted narrowly so as to exclude from disclosure~~  
1055 ~~only that portion of a public record to which an exclusion is directly applicable. It shall be~~  
1056 ~~the duty of the agency having custody of a record to provide all other portions of a record~~  
1057 ~~for public inspection or copying.~~

1058 ~~(h) Within the three business days applicable to response to a request for access to records~~  
1059 ~~under this article, the public officer or agency having control of such record or records, if~~  
1060 ~~access to such record or records is denied in whole or in part, shall specify in writing the~~  
1061 ~~specific legal authority exempting such record or records from disclosure, by Code section,~~  
1062 ~~subsection, and paragraph. No addition to or amendment of such designation shall be~~  
1063 ~~permitted thereafter or in any proceeding to enforce the terms of this article; provided,~~  
1064 ~~however, that such designation may be amended or supplemented one time within five days~~  
1065 ~~of discovery of an error in such designation or within five days of the institution of an~~  
1066 ~~action to enforce this article, whichever is sooner; provided, further, that the right to amend~~  
1067 ~~or supplement based upon discovery of an error may be exercised on only one occasion.~~  
1068 ~~In the event that such designation includes provisions not relevant to the subject matter of~~  
1069 ~~the request, costs and reasonable attorney's fees may be awarded pursuant to Code Section~~  
1070 ~~50-18-73.~~

1071 50-18-73.

1072 (a) The superior courts of this state shall have jurisdiction in law and in equity to entertain  
1073 actions against persons or agencies having custody of records open to the public under this  
1074 article to enforce compliance with the provisions of this article. Such actions may be

1075 brought by any person, firm, corporation, or other entity. In addition, the Attorney General  
 1076 shall have authority to bring such actions, ~~either civil or criminal~~, in his or her discretion  
 1077 as may be appropriate to enforce compliance with this article and to seek either civil or  
 1078 criminal penalties or both.

1079 (b) In any action brought to enforce the provisions of this chapter in which the court  
 1080 determines that either party acted without substantial justification either in not complying  
 1081 with this chapter or in instituting the litigation, the court shall, unless it finds that special  
 1082 circumstances exist, assess in favor of the complaining party reasonable attorney's fees and  
 1083 other litigation costs reasonably incurred. Whether the position of the complaining party  
 1084 was substantially justified shall be determined on the basis of the record as a whole which  
 1085 is made in the proceeding for which fees and other expenses are sought.

1086 (c) Any agency or person who provides access to information in good faith reliance on the  
 1087 requirements of this chapter shall not be liable in any action on account of ~~having provided~~  
 1088 ~~access to such information~~ such decision.

1089 50-18-74.

1090 (a) Any person or entity knowingly and willfully violating the provisions of this article by  
 1091 failing or refusing to provide access to records not subject to exemption from this article,  
 1092 ~~or by knowingly and willingly~~ failing or refusing to provide access to such records within  
 1093 the time limits set forth in this article, or by knowingly and willingly attempting to frustrate  
 1094 the access to records by intentionally making records difficult to obtain or review shall be  
 1095 guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed  
 1096 \$1,000.00 of the first violation. Alternatively, a fine may be imposed by the court in any  
 1097 civil or criminal action brought pursuant to this article against any person who knowingly  
 1098 and willfully violates the terms of this article in an amount not to exceed \$100.00  
 1099 \$1,000.00 for the first violation. A fine not to exceed \$2,500.00 per violation may be  
 1100 imposed for each additional violation that the violator commits within a 12 month period  
 1101 from the date the first fine was imposed. In addition, persons or entities who destroy  
 1102 records for the purpose of preventing their disclosure under this article may be subject to  
 1103 prosecution under Code Section 45-11-1.

1104 (b) ~~A prosecution under this Code section may only be commenced by issuance of a~~  
 1105 ~~citation in the same manner as an arrest warrant for a peace officer pursuant to Code~~  
 1106 ~~Section 17-4-40, which citation shall be personally served upon the accused. The defendant~~  
 1107 ~~shall not be arrested prior to the time of trial, except that a defendant who fails to appear~~  
 1108 ~~for arraignment or trial may thereafter be arrested pursuant to a bench warrant and required~~  
 1109 ~~to post a bond for his or her future appearance~~ It shall be a defense to any criminal action  
 1110 under this Code section that a person has acted in good faith in his or her actions.

1111 50-18-75.

1112 Communications between the Office of Legislative Counsel and the following persons shall  
 1113 be privileged and confidential: members of the General Assembly, the Lieutenant  
 1114 Governor, and persons acting on behalf of such public officers; and such communications,  
 1115 and records and work product relating to such communications, shall not be subject to  
 1116 inspection or disclosure under this article or any other law or under judicial process;  
 1117 provided, however, that this privilege shall not apply where it is waived by the affected  
 1118 public officer or officers. The privilege established under this Code section is in addition  
 1119 to any other constitutional, statutory, or common law privilege.

1120 50-18-76.

1121 No form, document, or other written matter which is required by law or rule or regulation  
 1122 to be filed as a vital record under the provisions of Chapter 10 of Title 31, which contains  
 1123 information which is exempt from disclosure under Code Section 31-10-25, and which is  
 1124 temporarily kept or maintained in any file or with any other documents in the office of the  
 1125 judge or clerk of any court prior to filing with the Department of Community Health shall  
 1126 be open to inspection by the general public, even though the other papers or documents in  
 1127 such file may be open to inspection.

1128 50-18-77.

1129 The procedures and fees provided for in this article shall not apply to public records,  
 1130 including records that are exempt from disclosure pursuant to Code Section 50-18-72,  
 1131 which are requested in writing by a state or federal grand jury, taxing authority, law  
 1132 enforcement agency, or prosecuting attorney in conjunction with an ongoing  
 1133 administrative, criminal, or tax investigation. The lawful custodian shall provide copies of  
 1134 such records to the requesting agency unless such records are privileged or disclosure to  
 1135 such agencies is specifically restricted by law."

1136 **SECTION 3.**

1137 Code Section 15-16-10 of the Official Code of Georgia Annotated, relating to duties of  
 1138 sheriffs, is amended by revising paragraph (10) of subsection (a) as follows:

1139 "(10) To develop and implement a comprehensive plan for the security of the county  
 1140 courthouse and any courthouse annex. Prior to the implementation of any security plan,  
 1141 the plan shall be submitted to the chief judge of the superior court of the circuit wherein  
 1142 the courthouse or courthouse annex is located for review. The chief judge shall have 30  
 1143 days to review the original or any subsequent security plan. The chief judge may make  
 1144 modifications to the original or any subsequent security plan. The sheriff shall provide

1145 to the county governing authority the estimated cost of any security plan and a schedule  
 1146 for implementation 30 days prior to adoption of any security plan. A comprehensive  
 1147 plan for courthouse security shall be considered a confidential matter of public security.  
 1148 Review of a proposed security plan by the governing authority shall be excluded from the  
 1149 requirements of Code Section 50-14-1 and any such review shall take place as provided  
 1150 in Code Section 50-14-3. Such security plan shall also be excluded from public  
 1151 disclosure pursuant to paragraph ~~(15)~~ (23) of subsection (a) of Code Section 50-18-72.  
 1152 The sheriff shall be the official custodian of the comprehensive courthouse security plan  
 1153 and shall determine who has access to such plan and any such access and review shall  
 1154 occur in the sheriff's office or at a meeting of the county governing authority held as  
 1155 provided in paragraph (9) of Code Section 50-14-3; provided, however, that the sheriff  
 1156 shall make the original security plan available upon request for temporary, exclusive  
 1157 review by any judge whose courtroom or chambers is located within the courthouse or  
 1158 courthouse annex or by any commissioner of the county in which the courthouse or  
 1159 courthouse annex is located. The sheriff shall be responsible to conduct a formal review  
 1160 of the security plan not less than every four years."

1161 **SECTION 4.**

1162 Code Section 38-3-152 of the Official Code of Georgia Annotated, relating to creation and  
 1163 operation of building mapping information system, availability to government agencies, rules  
 1164 and regulations, federal funding sources, exemption of information from public disclosure,  
 1165 recommendations for training guidelines, and limitations, is amended by revising  
 1166 subsection (f) as follows:

1167 "(f) Information provided to the agency under this article shall be exempt from public  
 1168 disclosure to the extent provided in paragraph ~~(21)~~ (29) of subsection (a) of Code  
 1169 Section 50-18-72."

1170 **SECTION 5.**

1171 Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of  
 1172 records of applications for licenses and information on licensees and furnishing of  
 1173 information, is amended by revising subsection (b) as follows:

1174 "(b) The records maintained by the department on individual drivers are exempt from any  
 1175 law of this state requiring that such records be open for public inspection; provided,  
 1176 however, that initial arrest reports, incident reports, and the records pertaining to  
 1177 investigations or prosecutions of criminal or unlawful activity shall be subject to disclosure  
 1178 pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72 and related  
 1179 provisions. Georgia Uniform Motor Vehicle Accident Reports shall be subject to

1180 disclosure pursuant to paragraph ~~(4.1)~~ (5) of subsection (a) of Code Section 50-18-72. The  
1181 department shall not make records or personal information available on any driver except  
1182 as otherwise provided in this Code section or as otherwise specifically required by 18  
1183 U.S.C. Section 2721."

1184

**SECTION 6.**

1185

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