



# Georgia's Open Records Act

## ORA Exceptions Located Outside the Act

Description of information that may be redacted or withheld	Code Section
Military discharge records (specifically, DD 214 records) received by the county commissioners or the county clerk in accordance with O.C.G.A. § 15-6-72	O.C.G.A. § 15-6-72(c)(1)
<p>O.C.G.A. § 15-6-72(c)(1): Any DD 214 record filed pursuant to this Code section shall for a period of 50 years following its filing be exempt from Chapter 18 of Title 50, relating to open records. During that 50 year period, it shall be unlawful for any person to permit inspection of any such record, to disclose information contained in any such record, or to issue a copy of all or any part of such record except as authorized by this subsection or by order of a court of competent jurisdiction.</p>	
Most juvenile records, except for a limited category of cases	O.C.G.A. § 15-11-708
<p>O.C.G.A. § 15-11-708(b): Unless a charge of delinquency is transferred for criminal prosecution, the interest of national security requires, the case is one in which the general public may not be excluded from the hearings, or the court otherwise orders in the best interests of the child, the records and files shall not be open to public inspection nor shall their contents be disclosed to the public.</p>	

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Family violence reports provided to the GBI, under some circumstances.	O.C.G.A. § 17-4-20.1(d)
<p>O.C.G.A. § 17-4-20.1(d): The report provided for in subsection (c) of this Code section shall be considered as being made for statistical purposes only and where no arrests are made shall not be subject to the provisions of Article 4 of Chapter 18 of Title 50. However, upon request, a defendant who has been arrested for an act of family violence or the victim shall be entitled to review and copy any report prepared in accordance with this Code section relating to the defendant.</p>	
Information received from an insurance company investigating a fire loss of real or personal property	O.C.G.A. § 25-2-33(d)
<p>O.C.G.A. § 25-2-33(d): The officials and departmental and agency personnel receiving any information furnished pursuant to this Code section shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding, provided that nothing contained in this Code section shall be deemed to prohibit representatives of the state fire marshal's office or other authorized law enforcement officials from discussing such matters with other agency or departmental personnel or with other law enforcement officials or from releasing or disclosing any such information during the conduct of their investigation, if the release or disclosure is necessary to enable them to conduct their investigation in an orderly and efficient manner; provided, further, that nothing contained in this Code section shall prohibit an insurance company which furnishes information to an authorized agency or agencies pursuant to this Code section from having the right to request relevant information and receive, within a reasonable time not to exceed 30 days, the information requested.</p>	

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Hospital peer review records	O.C.G.A. § 31-7-15(d) O.C.G.A. § 31-7-133(a)
<p>O.C.G.A. § 31-7-15(d)</p> <p>Proceedings and records conducted or generated in an attempt to comply with the duties imposed by subsection (a) of this Code section shall not be subject to the provisions of either Chapter 14 or Article 4 of Chapter 18 of Title 50.</p> <p>O.C.G.A. § 31-7-133(a)</p> <p>Except in proceedings alleging violation of this article, the proceedings and records of a review organization shall be held in confidence and shall not be subject to discovery or introduction into evidence in any civil action; and no person who was in attendance at a meeting of such organization shall be permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings or activities of such organization or as to any findings, recommendations, evaluations, opinions, or other actions of such organization or any members thereof. The confidentiality provisions of this article shall also apply to any proceedings, records, actions, activities, evidence, findings, recommendations, evaluations, opinions, data, or other information shared between review organizations which are performing a peer review function or disclosed to a governmental agency as required by law. . . .</p>	
Birth certificates	O.C.G.A. § 31-10-25(a)
<p>O.C.G.A. § 31-10-25(a): To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital records, it shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital records or to copy or issue a copy of all or part of any such record except as authorized by this chapter, Code Section 19-7-46.1, and regulation or by order of a court of competent jurisdiction. Regulations adopted under this Code section shall provide for adequate standards of security and confidentiality of vital records. The provisions of this subsection shall not apply to court records or indexes of marriage licenses, divorces, and annulments of marriages filed as provided by law.</p>	

Description of information that may be redacted or withheld	Code Section
In reports made to the Department of Community Health: the identities of the resident, the alleged perpetrator, and persons making a report or providing information or evidence of abuse or exploitation of residents in long-term care facilities	O.C.G.A. § 31-8-86
<p>O.C.G.A. § 31-8-86:</p> <p>The identities of the resident, the alleged perpetrator, and persons making a report or providing information or evidence shall not be disclosed to the public unless required to be revealed in court proceedings or upon the written consent of the person whose identity is to be revealed or as otherwise required by law. . . .</p> <p>Nothing in this Code section shall be construed to deny agencies participating in joint investigations at the request of and with the department, or conducting separate investigations of abuse or exploitation within an agency's scope of authority, or law enforcement personnel who are conducting an investigation into any criminal offense in which a resident is a victim from having access to such records.</p>	
AIDS/HIV information	O.C.G.A. § 31-22-7(a)
<p>O.C.G.A. § 31-22-7(a): The department shall require reporting by clinical laboratories of evidence of such infectious diseases as the department may specify and shall furnish forms for such reporting. No clinical laboratory making reports shall be held liable for having violated a trust or confidential relationship. The reports submitted shall be deemed confidential and not subject to public inspection.</p>	
Department of Human Resources clinical records	O.C.G.A. § 37-3-166(a)
<p>O.C.G.A. § 37-3-166(a):</p> <p>. . . The clinical record shall not be a public record and no part of it shall be released except: . . .</p>	

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Driver's license information to the extent it is obtained from the Georgia DDS	O.C.G.A. § 40-5-2(b)
<p>O.C.G.A. § 40-5-2(b): The records maintained by the department on individual drivers are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that initial arrest reports, incident reports, and the records pertaining to investigations or prosecutions of criminal or unlawful activity shall be subject to disclosure pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72 and related provisions. Georgia Uniform Motor Vehicle Accident Reports shall be subject to disclosure pursuant to paragraph (5) of subsection (a) of Code Section 50-18-72. The department shall not make records or personal information available on any driver except as otherwise provided in this Code section or as otherwise specifically required by 18 U.S.C. Section 2721.</p>	
Vehicle tag number and registration, if it is obtained from the Georgia Department of Revenue	O.C.G.A. § 40-2-130(c)
<p>O.C.G.A. § 40-2-130(c): The motor vehicle registration records which the commissioner is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (d) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:</p> <ol style="list-style-type: none"> <li>(1) Any licensed dealer of new or used motor vehicles;</li> <li>(2) Any tax collector, tax receiver, or tax commissioner;</li> <li>(3) The director of the Environmental Protection Division of the Department of Natural Resources or his or her designee. . . .</li> </ol>	

Description of information that may be redacted or withheld	Code Section
Pardons and Parole Board records	O.C.G.A. § 42-9-53(b)
<p>O.C.G.A. § 42-9-53(b)</p> <p>(1) All information, both oral and written, received by the members of the board in the performance of their duties under this chapter and all records, papers, and documents coming into their possession by reason of the performance of their duties under this chapter shall be classified as confidential state secrets until declassified by the board; provided, however, that the board shall be authorized to disclose to an alleged violator of parole or conditional release the evidence introduced against him or her at a final hearing on the matter of revocation of parole or conditional release.</p> <p>(2) The department may make supervision records of the department available to officials employed with the Department of Corrections and the Sexual Offender Registration Review Board, provided that the same shall remain confidential and not available to any other person or subject to subpoena unless declassified by the commissioner of community supervision.</p>	
Probation records	O.C.G.A. § 42-8-40
<p>O.C.G.A. § 42-8-40: All reports, files, records, and information of whatever kind relative to the supervision of probationers and parolees are declared to be confidential and shall be available only to the probation system officials, the judge handling a particular case, the Board of Community Supervision, DCS, the Department of Corrections, the Department of Juvenile Justice, and the State Board of Pardons and Paroles, as appropriate. Such reports, files, records, and information shall not be subject to process of subpoena; provided, however, that the commissioner of community supervision may by written order declassify any such records.</p>	
Department of Corrections classified inmate files	O.C.G.A. § 42-5-36(c)
<p>O.C.G.A. § 42-5-36(c): All institutional inmate files and central office inmate files of the department shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the commissioner; provided, however, these records shall be subject to subpoena by a court of competent jurisdiction of this state.</p>	
Department of Corrections classified investigative reports and intelligence data prepared by Internal Affairs	O.C.G.A. § 42-5-36(b)
<p>O.C.G.A. § 42-5-36(b): Investigation reports and intelligence data prepared by the Internal Investigations Unit of the department shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the commissioner.</p>	

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Identity of a whistleblower	O.C.G.A. § 45-1-4(c)
<p>O.C.G.A. § 45-1-4(c): Notwithstanding any other law to the contrary, such public employer shall not after receipt of a complaint or information from a public employee disclose the identity of the public employee without the written consent of such public employee, unless the public employer determines such disclosure is necessary and unavoidable during the course of the investigation. In such event, the public employee shall be notified in writing at least seven days prior to such disclosure.</p>	
Flexible employee benefit plan information	O.C.G.A. § 45-18-53(b)
<p>O.C.G.A. § 45-18-53(b): Records of benefit selections, payroll deductions, and other individual account information shall be maintained as confidential by the flexible benefit plan. The records shall not be disclosed except as necessary to accomplish the purposes of this article or as otherwise authorized in writing by the employee. This prohibition shall not bar federal, state, or local tax authorities from such access to the records as may be necessary to establish the tax status or liability of an employee or other individual.</p>	
Deferred compensation salary deductions	O.C.G.A. § 45-18-36(b)
<p>O.C.G.A. § 45-18-36(b): Records of participation agreements, payroll deductions, investment options, and other individual account information shall be maintained as confidential by the administrator. The records shall not be disclosed except as necessary to accomplish the purposes of this article or in cases where a subpoena has been issued for the purpose of discovery or as otherwise authorized in writing by the employee. This prohibition shall not bar federal, state, or local tax authorities from such access to the records as may be necessary to establish the tax status or liability of a participating employee.</p>	

Description of information that may be redacted or withheld	Code Section
Photographs from autopsies and coroner's reports; Crime scene photos that show death, dismemberment, etc.	O.C.G.A. § 45-16-27(d), (e)(2)
<p>O.C.G.A. § 45-16-27(d)</p> <p>Autopsy photographs shall not be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50; provided, however, that this subsection shall have no application to the disclosure of such photographs to law enforcement agencies and prosecutors for law enforcement purposes or, in closed criminal investigations, to medical schools, medical facilities, and physicians for medical purposes; to individuals who have secured a written release from the deceased's next of kin; or to the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of securing a written release or when access to the photographs is requested by the next of kin, the deceased's next of kin shall be: . . .</p> <p>O.C.G.A. § 45-16-27(e)(1)</p> <p>Crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall not be subject to disclosure pursuant to Article 4 of Chapter 18 of Title 50; provided, however, that this subsection shall not prohibit disclosure of such material to the deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall be: . . .</p>	



Description of information that may be redacted or withheld	Code Section
Confidential tax information	O.C.G.A. § 48-7-60(a)
<p>O.C.G.A. § 48-7-60(a): Except in accordance with proper judicial order or as otherwise provided by law, it is unlawful for the commissioner, other officer, employee, or agent, or any former officer, employee, or agent to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under the law of this state or any return or return information required by the Internal Revenue Code when the information or return is received from the Internal Revenue Service or submitted by the taxpayer as provided by the laws of this state. Nothing contained in this Code section shall be construed to prohibit the print or electronic publication of statistics so presented as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General or other legal representative of the state, or use as evidence, of the report or return of a taxpayer in the event of any action or proceeding involving any tax liability of the taxpayer. Reports and returns shall be preserved for three years and thereafter until the commissioner orders them to be destroyed.</p>	
Reports of child abuse	O.C.G.A. § 49-5-40(b),(c)
<p>O.C.G.A. § 49-5-40(b)</p> <p>Each and every record concerning reports of child abuse and child controlled substance or marijuana abuse which is in the custody of the department, other state or local agency, or child advocacy center is declared to be confidential, and access thereto is prohibited except as provided in Code Sections 49-5-41 and 49-5-41.1.</p> <p>O.C.G.A. § 49-5-40(c)</p> <p>Each and every record concerning child abuse or neglect which is received by the department from the child abuse and neglect registry of any other state shall not be disclosed or used outside the department for any other purpose other than conducting background checks to be used in foster care and adoptive placements.</p>	
Background investigations of applicants to the Lottery Corporation	O.C.G.A. § 50-27-12(e)
<p>O.C.G.A. § 50-27-12(e): Background investigation shall be conducted on each applicant who has reached the final selection process prior to employment by the corporation at the level of division director and above and at any level within any division of security and as otherwise required by the board. The corporation shall be authorized to pay for the actual cost of such investigations and may contract with the Georgia Bureau of Investigation for the performance of such investigations. The results of such a background investigation shall not be considered a record open to the public pursuant to Article 4 of Chapter 18 of this title.</p>	

