

## Georgia – State Public Record Laws

### Citations

O.C.G.A. §§ 50-18-70 through 76  
 ([http://law.ga.gov/sites/law.ga.gov/files/imported/vgn/images/portal/cit\\_1210/62/51/186385699r1.pdf](http://law.ga.gov/sites/law.ga.gov/files/imported/vgn/images/portal/cit_1210/62/51/186385699r1.pdf))

### Exemptions to Disclosure

- The following records are exempt from disclosure:
- “Any trade secrets obtained from a person or business entity which are of a privileged or confidential nature and required by law to be submitted to a government agency or to data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented.”
  - Privileged info (attorney-client)
  - Confidential attorney work product (doesn’t apply to factual findings, just the legal conclusions which are based upon them)
  - Software, but not the data generated, kept, or received using that software
- ADDITIONAL EXEMPTIONS O.C.G.A. § 50-18-72**
- Records consisting of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee
  - Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees
    - Except 10 days after info. Presented to agency or the investigation is over.
  - Records of historical research value which are given/sold to a public archival institution, public library, or libraries as part of the University System of Georgia when the owner/donor wishes to place restrictions on access.
  - Data, records, or information of a proprietary nature that were produced or collected by or for faculty or staff of state institutions of higher learning or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented.
  - “Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of an institution of higher education or any public or private entity supporting or participating in the activities of an institution of higher education in the conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity, until such information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This paragraph shall apply to, but shall not be limited to, information provided by participants in research, research notes and data, discoveries, research projects, methodologies, protocols, and creative works”
  - “Records disclosing the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic

	<p>issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity.”</p>
<p><b>Access Rights</b></p>	<ul style="list-style-type: none"> <li>• Response to request due w/in reasonable time, not to exceed 3 business days</li> <li>• Timeline must be provided where responsive records exist but are not yet available</li> <li>• Any person</li> <li>• Requests orally or in writing</li> <li>• Custodian can in its discretion provide copies, with confidential info redacted, in lieu of access</li> <li>• Enforcement provisions for noncompliance only apply if written request, not oral</li> <li>• Fees – if more than \$25, agency must inform requestor of this estimate and not produce records until requestor has agreed to pay that amount</li> <li>• Availability on public website doesn’t defeat request, if requestor wants the records in the electronic format in which they are kept</li> <li>• In-camera review by court if want to challenge nondisclosure</li> <li>• <b>ADDITIONAL ACCESS O.C.G.A. §§ 50-18-70(F) AND 50-18-72(H)</b> <ul style="list-style-type: none"> <li>○ 3 day period to respond to a records request begins when the request is delivered to the agency rather than to the person in charge of records.</li> </ul> </li> </ul>
<p><b>Destruction of Public Records</b></p>	<ul style="list-style-type: none"> <li>• Cannot dispose of records unless authorized by retention schedule <ul style="list-style-type: none"> <li>○ Retention schedule citation - O.C.G.A. § 50-18-92</li> </ul> </li> </ul>