

EXCEPTIONS TO OPEN GOVERNMENT

-- GEORGIA CODE (152) --

Title 1 General Provisions (0)

Title 2 Agriculture ()

Records of farm-water use by individual farms.

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2-7-68(a)(1). Commercial or financial information called a trade secret by an applicant for registration of pesticide.

2-8-29(b). Information obtained by anyone under this code section, except a person with like right to obtain it.

2-13-5. Trade secrets of commercial feeds.

2-16-2. Disparagement of perishable food products or commodities, "Veggie Libel," 1993, signed by Gov. Zell Miller.

2-18-1(11)(b). Information furnished to the milk commission.

2-18-3(a)(2). Bid proposals sent to the agriculture commissioner.

Title 3 Alcoholic Beverages (0)

Title 4 Animals (1)

4-10-7.3(a) Animal disease data, except the agriculture commissioner may release reports about it for valid research purposes, and for other purposes deemed appropriate.

Title 5 Appeal and Error (0)

Title 6 Aviation (0)

Title 7 Banking and Finance (8)

7-1-70(a) Records of the Department of Banking and Finance.

7-1-625(c). Bank examination records.

7-1-628.5(b)(1). Exam reports of out-of-state banks.

7-1-682(c). Conviction data on licensed sellers of checks or money orders.

7-1-702(c). Conviction data of check cashier applicants.

7-1-1004(e). Conviction data of mortgage license applicant.

7-1-1004(f). Mortgage lender and broker investigation records.

7-1-1004(g). Criminal history records of financial license applicants.

Title 8 Buildings and Housing (0)

Title 9 Civil Practice (0)

Title 10 Commerce and Trade (2)

10-1-207. Trade secrets of antifreeze.

10-9-9(e). Conviction data of Georgia World Congress Center officers and employees, or prospective officers and employees.

Title 11 Commercial Code (0)

Title 12 Conservation and Natural Resources (4)

12-8-29.2(a). Information about secret procedures, devices or methods of manufacture of materials being privately processed by the Environmental Protection Division. Even if the commissioner or his agents are terminated, this confidentiality continues.

12-8-64. Information about hazardous waste generators and transporters, and owners or operators of hazardous waste treatment, storage or disposal.

12-9-19. Information about secret processes, devices or methods of manufacture or production obtained by the Department of Conservation and Natural Resources.

12-13-21. Records pursuant to the Georgia Underground Storage Act.

Title 13 Contracts (0)

Title 14 Corporations, Partnerships and Associations (0)

Title 15 Courts (8)

15-6-72(c). Military DD 214 service records for 50 years.

15-11-10(d). Records or reports of child abuse except a DA may make public that record in the course of a criminal prosecution.

15-11-58. Juvenile court records are open only upon order of the court.

15-11-59 (b)(d)(f). Juvenile law enforcement records.

15-11-60(f)(1). The name or picture of any child under the jurisdiction of the juvenile court for the first time.

15-11-66(d). Juvenile abuse records.

15-11-66.1(e). Juvenile hearings HIV tests.

15-12-67(a). Deliberations of the grand jury unless called upon to give evidence thereof in some court of law in Georgia.

Title 16 Crimes and Offenses (3)

16-9-23. Identity fraud information.

16-11-9. Records of the Seditions and Subversive Activities Act, as may reflect on the loyalty of any resident, 1953, signed by Gov. Herman Talmadge.

16-11-64 (b). Wiretaps by law enforcement officials.

Title 17 Criminal Procedure (0)

Title 18 Debtor and Creditor (0)

Title 19 Domestic Relations (5)

19-7-5. A Report of child abuse to a law enforcement agency, unless there is a court proceeding which has been initiated based in whole or in part upon the facts regarding abuse which are alleged in the child abuse reports and the person or entity seeking to inspect such records provides clear and convincing evidence of such proceeding; or the superior court permits inspection.

19-9-7. Address of a victim of family violence and her child.

19-8-23(e). Adoption records.

19-11-30.4. Insurance information on a dependent child.

19-13-55. The domestic violence registry.

Title 20 Education (1)

20-2-210(e). School superintendents' annual performance evaluations, 1985, signed by Gov. Joe Frank Harris.

Title 21 Elections (1).

21-2-225(a). Original applications for voter registration.

Title 22 Eminent Domain (0)

Title 23 Equity (0)

Title 24 Evidence (2)

24-9-40. Patients' medical information.

24-9-47(b)(1). AIDS/HIV information.

Title 25 Fire Protection and Safety (2)

25-2-33(d). Information received from an insurance company investigating a fire loss of real or personal property.

25-4-8(c)(1). Conviction data of applicants for employment as a firefighter.

Title 26 Food, Drugs and Cosmetics (1)

26-4-80(d). The patient medication record or profile.

Title 27 Game and Fish (0)

Title 28 General Assembly (0)

But see Georgia Supreme Court below.

Title 29 Guardian and Ward (0)

Title 30 Handicapped Persons (1)

30-5-7. Records pertaining to the abuse, neglect or exploitation of disabled adults or elder persons in the custody of the Department of Human Resources.

Title 31 Health (7)

31-22-9.1(a). AIDS/HIV information.

31-7-75(2). Hospitals' potentially commercial valuable plans until they are approved or rejected by the hospital authority governing board.

31-7-133. Health care providers' peer reviews.

31-10-25(a). Birth certificate until 100 years after the date of birth.

31-10-25(a). Marriage certificate until 75 years after the death or application for marriage, divorce, dissolution of marriage or annulment.

31-12-3.1(e). Vaccination records.

31-12-3. Information regarding a deceased's infectious or communicable disease.

Title 32 Highways, Bridges and Ferries (0)

Title 33 Insurance (3)

33-1-16(e). Evidence in an insurance investigation.

33-9-20(a). Insurance company statistics maintained under statistical plans compatible with the ratings plans used.

33-20(b)(5). Rural health-care providers' trade secrets.

Title 34 Labor and Industrial Relations (7)

34-8-121. Department of Labor information.

34-8-122(a). Letters to and from the Department of Labor.

34-9-12(b). Workers Compensation Board records as they refer to accidents, injuries, and settlements.

34-9-61(b). The name of the employer and the employee in a Workers Compensation Board accident report.

34-9-208. Workers Compensation rating data.

34-9-388(c). Workers Compensation Guaranty Trust Fund reports.

34-9-420. Workers Compensation drug test results.

Title 35 Law Enforcement Officers and Agencies (1)

35-3-34(a). Criminal-history records other than in-Georgia felony convictions.

Title 36 Local Government (0)

Title 37 Mental Health (5)

37-1-53. Department of Human Resources information received from persons, firms, corporations, municipalities, counties, and other public authorities and political subdivisions that is about secret processes, formulas and methods.

37-2-11.2. Mental health records.

37-3-166(a). Clinical records related to mental illness.

37-3-167(d). Court records related to treatment for mental illness.

37-7-166. Alcohol and drug abuse records.

Title 38 Military, Emergency, Management and Veteran Affairs (1)

38-5-25(e). Law enforcement training manuals.

Title 39 Minors (0)

Title 40 Motor Vehicles and Traffic (2)

40-2-130(c). Vehicle tag number and registration.

40-3-23. Motor vehicle records provided that the records of a particular vehicle may be available for inspection by any law enforcement officer; the owner; any judgment creditor; any individual or representative of such individual involved in an accident; licensed dealers of motor vehicles; persons for the purpose of a manufacturer's recall; and tax collectors.

Title 41 Nuisances (0)

Title 42 Penal Institutions (6)

42-1-7(c). Information regarding communicable diseases of inmates.

42-1-11(e). Crime victim notification. except it is accessible to the victim.

42-5-36(a). Department of Corrections classified inmate files.

42-8-40. Probation records.

42-8-106. Records relative to the supervision of probationers by a private agency.

42-9-53(b). Pardons and Paroles Board "confidential state secrets."

Title 43 Professions and Businesses (8)

43-1-2(k)(1). State examining boards' applications.

43-1-2(k)(2). State examining boards' information about applicants submitted by reference sources.

43-1-2(k)(3). State examining boards; exam questions.

43-1-19(h)(3). Professional licensing boards' documentary evidence.

43-34-37(e). Records of the investigations of physicians.

43-39A-22.1(b). Real estate appraisers' conviction data.

43-40-7(b). Real estate brokers' personal information on their applications.

43-40-27(d), (f). Real estate misconduct investigations.

Title 44 Property (0)

Title 45 Public Officers and Employees (7)

45-1-4(c). Whistleblower's identity unless he or she gives written consent or the employer "determines such disclosure is necessary and unavoidable," but in that case only after giving the whistleblower seven days' notice.

45-16-27(4)(c) Documents subpoenaed by coroners.

45-16-27(4)(d). Autopsy photographs unless from family member with proof of kinship.

45-18-36 (b). Deferred compensation salary deductions.

45-18-53(b). The Flexible Employee Benefit Plan's records of benefit selections, payroll deductions "and other individual account information."

45-20-15 (b). Information received by state Merit System staff in counseling sessions with state employees.

45-20-91. State employee drug tests.

Title 46 Public Utilities and Public Transportation (0)

Title 47 Retirement and Pensions (10)

47-1-14(a)(1) Retirement system records containing wiring or automated clearing house transfers of funds instructions or access codes.

47-1-14(2). Retirement system records containing bank account numbers.

47-1-14(3). Retirement system records' proprietary computer software.

47-1-14(4). Retirement system records concerning a party "other than such retirement system."

47-1-14(c)(1). Retirement system records containing advice rendered by any investment advisor or retirement system employee.

47-1-14(c)(2). Retirement system records of exhibits to minutes of board meetings that contain securities trading information.

47-1-14(c)(3). Retirement system records of securities trade tickets, confirmations and other records pertaining to securities trades.

47-1-14(c)(4). Retirement system records that contain proposed terms of sale for real property until after the sale of it.

47-1-14(d)(1). Retirement system records relating to the investment composition and positions.

47-1-14(d)(2). Retirement system records of exhibits to minutes of board meetings relating to the investment composition and positions.

Title 48 Revenue and Taxation (

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48-1-2(14). Home addresses and phone numbers of Revenue Department employees.

48-2-15(a). Information secured by the Revenue Commissioner "incident to the administration of any tax."

48-5-314. County board of tax assessor records.

48-7-60(a). Amount of income or particulars in any report or tax return.

48-7-170(a). Information obtained by a claimant agency from the Department of Revenue in the context of setoff debt collection.

48-13-15(a)-(c). Information on gross receipts received by a business or practitioner of an occupation or profession provided to a local government for the purpose of determining the amount of occupation tax.

Title 49 Social Services (5)

49-4A-8(d)(2). Delinquent or unruly children records, except the commissioner may disclose them pursuant to federal law in regard to disseminating juvenile criminal history records, only to persons having a legitimate interest.

49-5-10. Department of Human Resources records about a delinquent or unruly child... (but) may be disclosed by direction of the commissioner pursuant to federal law... to those persons having a legitimate interest therein.

49-5-40(4)(B)(b), Reports of child abuse.

49-5-40(4)(B)(b) Records of controlled substance or marijuana abuse by a child.

49-5-186(a). Information in the child abuse registry.

Title 50 State Government (38)

50-6-9. State auditor work papers.

50-14-2. Attorney-client privilege.

50-14-3(1). Staff meetings held for investigative purposes.

50-14-3(2). Votes of the state Board of Pardons and Paroles.

50-14-3(3). Meetings of the Georgia Bureau of Investigation.

50-14-3(4). Meetings of an agency when discussing the future acquisition of real estate.

50-14-3(5). Meetings of hospital authorities when discussing revoking staff privileges or granting an abortion.

50-14-3(6). Meetings discussing appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer employee but not when receiving evidence or hearing argument on charges filed to

determine disciplinary action or dismissal of a public officer or employee. the vote on any matter covered here must be in public, and minutes made available.

50-14-3(7). Adoptions.

50-18-71.1(a). Trial exhibits.

50-18-72(a)(1). Federal records required by the federal government to be kept confidential.

50-18-72(a)(2). Medical records the disclosure of which would be an invasion of personal privacy.

50-18-72(a)(2). Veterinary records the disclosure of which would be an invasion of personal privacy, 1987, signed by Gov. Joe Frank Harris.

50-18-72(a)(11.3)(A). Social security number, mother's maiden name, day and month of birth, and credit, bank account, insurance and medical information, unless a statement of need is supplied.

50-18-72(a)(13). Home address, home telephone number, social security number and insurance or medical information about law enforcement, judges, crime lab scientists and correctional officers.

50-18-72(a)(13.1). Home address, home telephone number, social security number and insurance or medical information about teachers and employees of a public school.

50-18-72(a)(15). Names of children 12 or younger in recreation programs.

50-18-72(4). Law enforcement records in any pending investigation or prosecution other than initial police arrest reports, accident reports and incident reports. An investigation is no longer pending when all direct litigation has become final.

50-18-72(4.1). Individual motor vehicle accident reports, unless a statement of need is supplied.

50-18-72(5). Confidential evaluations until 10 days after they have been presented to the agency or an officer for action or the investigation is terminated.

50-18-72(6)(A). Real estate appraisals until the property has been acquired.

50-18-72(6)(B). Engineers' cost estimates until the contract is awarded.

50-18-72(6)(B). Pending, rejected or deferred bids or proposals until the contract is awarded.

50-18-72(7). Portions of records that would identify persons applying for or under consideration as an executive head of an agency provided that at least 14 days before a meeting at which final action will be taken the agency will release all documents with respect to as many as three persons under consideration.

50-18-72(8) Records of legislative staff services unless the records have been previously disclosed by or pursuant to an individual member of the General Assembly.

50-18-72(9). Board of Regents and University System of Georgia records of historical value when the donor has placed restriction or access, but it doesn't apply to "records prepared in the course of the operation of state or local governments."

50-18-72(10). Records of the "location and character of historic properties."

50-18-72(11). Records of rare animals' habitats.

50-18-72(12). Electronic signature.

50-18-72(14). Records of ridesharing programs.

50-18-72(b)(1). Trade secrets.

50-18-72(b)(2) Scholarly research.

50-18-72(3) School tests.

50-18-72(c)(1). Identity of persons participating in research on commercial, scientific, medical, scholarly or artistic issues.

50-18-72(d). Probate court applications for pistols.

50-18-75. The communications of the legislative counsel to the members of the General Assembly, the lieutenant governor and the governor.

50-27-12(e). Background investigations of applicants to the Lottery Corporation.

50-27-25(a). Information "related to the operation of the Georgia Lottery."

50-27-54. Georgia Lottery prize winner records.

Title 51 Torts (0)

Title 52 Waters of the State, Ports, and Watercraft (0)

Title 53 Wills, Trusts, and Administration of Estates (0)

-- GEORGIA SUPREME COURT (1) --

General Assembly's exception to open government, in the lawsuit *Coggin v. Davey*, 1975, majority opinion written by Justice William B. Gunter.

"We think the (Open Meetings) statute is applicable to the departments, agencies, boards, bureaus, etc., of this state and its political subdivisions. It is not applicable to the General Assembly."

Sources for this work

"A Communicator's Outline of Georgia Law," compiled by Hull, Towill, Norman, Barrett & Salley, Augusta, for Georgia Press Association.

"Confidentiality or Nondisclosure Provisions in the Official Code of Georgia Annotated," an unattributed, uncredited four-page table believed to have been prepared in the Law Department in 1998.

"Georgia F.O.I. Access," Summer 1999 edition, newsletter of Georgia First Amendment Foundation.

"Georgia Law Enforcement and the Open Records Act, A Law Enforcement Officer's Guide to Open Records in Georgia," First Edition 2002, by the Georgia Association of Chiefs of Police; Georgia Bureau of Investigation; Georgia Department of Law; Georgia Department of Public Safety; Georgia First Amendment Foundation; Georgia Press Association; Georgia Public Safety Training Center; Georgia Sheriff's Association; and Prosecuting Attorney's Council of Georgia.

"Tapping Georgia's Secrets," Fourth Edition, 2001, Reporters Committee for Freedom of the Press, Arlington, Va., by Peter C. Canfield, Thomas M. Clyde and Jason S. McCarter of Dow, Lohnes & Albertson, Atlanta.