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STATE GOVERNMENT

State Printing and Documents: Exempt Certain Personal Information from Public Disclosure

CODE SECTION: O.C.G.A. § 50-18-72 (amended)
BILL NUMBER: SB 364
ACT NUMBER: 904
GEORGIA LAWS: 2000 Ga. Laws 1556
SUMMARY: The Act exempts from public disclosure certain personal information obtained by counties or municipalities in conjunction with burglar, fire, or other electronic security systems. The Act further exempts certain educational testing materials from public disclosure.
EFFECTIVE DATE: July 1, 2000

History

The city of Conyers maintains a security alarm service for its citizens.¹ Subscribers to the service must provide the city with certain private information, including their security alarm entry codes.² The law did not protect the information gathered by the city from public disclosure, and as a result, the public had unlimited access to subscribers' personal information.³ Therefore, at the request of the mayor of Conyers, Senator Bob Guhl of the 45th District and Senator Mike Crofts of the 17th District introduced SB 364.⁴

1. See Audio Recording of House Proceedings, Mar. 22, 2000 (remarks by Rep. Earl O'Neal) <<http://www.ganet.org/services/leg/audio/2000archive.html>> [hereinafter House Audio].

2. See *id.*

3. See *id.*

4. See Interview with Sen. Bob Guhl, Senate District No. 45 (May 12, 2000).

*SB 364**Consideration by the Senate*

Senator Guhl introduced the bill in the Senate on January 27, 2000.⁵ As introduced in the Senate, the bill would have added new Code section 50-18-72(a)(11.2).⁶ This bill would have merely exempted from public disclosure records that reveal names, home addresses, telephone numbers, security codes, or any other data or information that counties or municipalities may receive from persons using electronic security systems.⁷ The Senate Judiciary Committee favorably reported the bill, as substituted.⁸ The Judiciary Committee substitute added language providing that initial police reports and incident reports would remain subject to public disclosure.⁹ The Senate adopted this substitute and passed SB 364 on February 22, 2000.¹⁰

Consideration by the House

Representative Earl O'Neal introduced SB 364 in the House on February 23, 2000, and the House referred the bill to its Judiciary Committee.¹¹ The Committee favorably reported the bill, and the House passed it with a floor amendment on March 22, 2000.¹² Representative Jimmy Skipper of the 137th District offered an amendment to the Senate Committee substitute on the House floor.¹³ The amendment added new Code section 50-18-72(b)(3), which was intended to protect companies that submit bids to the Department of Education.¹⁴ During floor debate in the

5. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000; see also SB 304, as introduced, 2000 Ga. Gen. Assem.

6. See SB 364, as introduced, 2000 Ga. Gen. Assem.

7. See *id.*

8. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

9. Compare SB 364, as introduced, 2000 Ga. Gen. Assem., with SB 304 (SCS), 2000 Ga. Gen. Assem.

10. See Georgia Senate Voting Record, SB 364 (Feb. 22, 2000).

11. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000; House Audio, *supra* note 1.

12. See Georgia House of Representatives Voting Record, SB 364 (Mar. 22, 2000); see also State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

13. Compare SB 364 (SCS), 2000 Ga. Gen. Assem., with SB 364 (HFA), 2000 Ga. Gen. Assem. See also House Audio, *supra* note 1 (remarks by Rep. Jimmy Skipper).

14. Compare SB 364 (SCS), 2000 Ga. Gen. Assem., with SB 364 (HFA), 2000 Ga. Gen. Assem. See also House Audio, *supra* note 1 (remarks by Rep. Jimmy Skipper).

House, Representative Skipper reported that several companies submit competitive bids to the Department of Education.¹⁵ The fact that those bids may contain trade secrets and other proprietary information, yet are subject to the Open Records Act, has had a “chilling effect” on the bidding process.¹⁶ His amendment sought to minimize the risk of public disclosure by exempting test materials administered by the State Board of Education, the Office of Education Accountability, or local school systems.¹⁷

The Senate agreed to the House floor amendment on March 22, 2000.¹⁸ Governor Roy Barnes signed SB 364 into law on May 1, 2000.¹⁹

The Act

The Act adds new Code section 50-18-72(a)(11.2).²⁰ This section exempts certain personal information obtained by counties or municipalities in connection with installing, servicing, maintaining, operating, selling, or leasing burglar, fire, and other electronic security systems from public disclosure requirements.²¹

The Act also adds new Code section 50-18-72(b)(3).²² This section exempts from public disclosure questions, answer keys, and other material associated with tests administered by the State Board of Education, the Office of Education Accountability, or local school systems.²³ The Act further provides that the specified entities must take reasonable measures to protect the security and confidentiality of their test

15. See House Audio, *supra* note 1 (remarks by Rep. Jimmy Skipper).

16. See *id.*

17. See *id.* Compare SB 364 (SCS), 2000 Ga. Gen. Assem., with SB 364 (HFA), 2000 Ga. Gen. Assem. In response to questions on the House floor, Representative Skipper explained that his amendment was germane to SB 364 because the bill dealt with exceptions to the Open Records Act. See House Audio, *supra* note 1 (remarks by Rep. Jimmy Skipper).

18. See Georgia Senate Voting Record, SB 364 (Mar. 22, 2000); see also State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

19. See 2000 Ga. Laws 1556, § 3, at 1558.

20. See O.C.G.A. § 50-18-72(a)(11.2) (Supp. 2000).

21. See *id.*

22. See *id.* § 50-18-72(b)(3).

23. See *id.*

materials to qualify for this exemption.²⁴ In addition, the Act provides that the State Board of Education may establish procedures for a person to view, but not copy, test-related materials when, in the Board's judgment, such viewing will not affect the results of administering the test.²⁵

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24. *See id.*

25. *See id.*