



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### **ORDERING THE GEORGIA DATA ANALYTIC CENTER TO FACILITATE DATA-SHARING BETWEEN EXECUTIVE STATE AGENCIES**

- WHEREAS:** The Governor, through the Office of Planning and Budget, encourages comprehensive and coordinated planning and programming of the affairs of state government. Code Section 45-12-173; and
- WHEREAS:** The Office of Planning and Budget is “the principal state agency for statistical coordination and standardization.” Code Section 45-12-171; and
- WHEREAS:** The Georgia Data Analytic Center (“GDAC”) was established in 2019 to improve “public health and the safety, security, and well-being of Georgia residents” through data sharing and analysis under oversight of the Office of Planning and Budget. Code Section 45-12-152; and
- WHEREAS:** The Governor may “prescribe and direct the use of such forms of accounts, records, and reports as may be necessary to further efficiency.” Code Section 45-12-72 (b); and
- WHEREAS:** The Georgia Constitution vests the Governor with the chief executive powers of the State and directs the Governor to take care that the laws are faithfully executed. GA. CONST. Art. V, § II, ¶ I-II; and
- WHEREAS:** Upon consideration, I find access to data and cooperation with requests for data between executive state agencies to be necessary for the efficient functioning of the executive branch.

**NOW, THEREFORE, PURSUANT TO CODE SECTION 45-12-72, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:**

That the following definitions shall apply to the provisions of this order:

- A. "Agency" (or plural, "Agencies") means any agency, authority, board, bureau, commission, department, division, office, or other entity of the executive branch of state government whether established by the Official Code of Georgia, administrative rule or regulation, or executive order. This term shall not include: the legislative or judicial branches of state government; any political subdivision; the University System of Georgia and its Board of Regents; or any other agency, authority, board, bureau, commission, department, division, office, or other entity established by the Constitution of the State of Georgia.
- B. "Agency Data" means any information created, received, maintained, or stored by, or otherwise in the control of, an Agency which is stored in a structured format with multiple fields or in a database. This term shall not include individual files or documents stored electronically.
- C. "Data-Sharing Agreement" means a written agreement allowing one or more Agencies to access, analyze, or otherwise use the Agency Data of another Agency. This term shall not include any agreement between Agencies for the routine transfer of Agency Data necessary to carry out required functions.
- D. "Data-Sharing Request" means a request by one or more Agencies to enter a Data-Sharing Agreement with another Agency.
- E. "GDAC" means the Georgia Data Analytic Center established pursuant to Code Section 45-12-151.

**IT IS FURTHER**

**ORDERED:**

That GDAC shall establish a template Data-Sharing Request, Data-Sharing Agreement, and data format for commonly collected Agency Data.

**IT IS FURTHER**

**ORDERED:**

Any Agency requesting to enter a Data-Sharing Agreement with another Agency shall transmit a Data-Sharing Request to the administrative head of the Agency; provided, however, that nothing

in this Order shall apply to agreements for the transfer of Agency Data necessary to carry out agency functions.

**IT IS FURTHER**

**ORDERED:** That following a Data-Sharing Request, the Agencies shall execute a Data-Sharing Agreement that allows for the exchange of Agency Data to the greatest extent possible, but under no circumstances shall create a legal obligation or entitlement. A copy of the executed Data-Sharing Agreement shall be delivered to GDAC. If the Agencies are unable to execute a Data-Sharing Agreement, the Agencies shall notify GDAC of the same.

**IT IS FURTHER**

**ORDERED:** That upon request, GDAC shall assist Agencies with making Data-Sharing Requests, executing Data-Sharing Agreements, and carrying out the obligations set forth under a Data-Sharing Agreement.

**IT IS FURTHER**

**ORDERED:** That a Data-Sharing Agreement may include provisions necessary to protect the confidentiality of Agency Data. Agency Data shared pursuant to this Order shall remain in the legal possession of the Agency from which the Agency Data originated. Agency Data which is exempt from disclosure pursuant to Code Section 50-18-72 shall not become subject to disclosure as a result of being subject to a Data-Sharing Agreement.

**IT IS FURTHER**

**ORDERED:** That the Governor, or his designee, shall resolve disputes between Agencies regarding Data-Sharing Requests.

- A. In the event of such a dispute, GDAC shall notify the Governor's Executive Counsel of such dispute and transmit the Data-Sharing Request to the Governor's Executive Counsel.
- B. The Governor, or his designee, shall review the Data-Sharing Request and may request additional information from the Agencies involved.
- C. After such review, the Governor, or his designee, shall issue a final determination with regard to the dispute. If such final determination directs the Agencies to execute a Data-Sharing

Agreement, the Agencies shall execute such Data-Sharing Agreement and comply with its obligations in good faith.

Provided, however, that this procedure shall not apply to requests for data made by GDAC itself, in which case the provisions of Code Section 45-12-153 shall apply.

**IT IS FURTHER**

**ORDERED:** That an Agency must terminate or withdraw from a Data-Sharing Agreement executed pursuant to this Order at the request of the Governor.

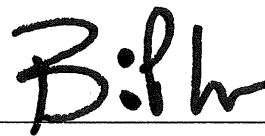
**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

**IT IS FURTHER**

**ORDERED:** That all provisions of this Order shall become effective upon signature.

This 1<sup>ST</sup> day of September 2023.



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GOVERNOR