

House Bill 199 (AS PASSED HOUSE AND SENATE)

By: Representatives Kelley of the 16th, Reeves of the 99th, Gullett of the 19th, Gunter of the 8th, Park of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 15 the Official Code of Georgia Annotated, relating to
2 administration of courts of record generally, so as to modify provisions related to protection
3 of personally identifiable information of judges and their spouses; to abolish the requirement
4 for the Administrative Office of the Courts to maintain a data base of protected persons and
5 information; to provide for a state-wide form to be used by protected persons seeking to have
6 information restricted from public disclosure; to require state and local governments to
7 restrict from public disclosure personally identifiable information when requested by a
8 protected person; to provide procedures for such requests; to revise definitions; to provide
9 for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 5 of Title 15 the Official Code of Georgia Annotated, relating to administration of
13 courts of record generally, is amended by revising Article 8, relating to protection of
14 personally identifiable data of judges and spouses, as follows:

15 "ARTICLE 8

16 15-5-110.

17 As used in this article, the term:

18 (1) 'Personally identifiable information' means any ~~phone number or address~~
 19 ~~affirmatively identified by a protected person for inclusion in the data base established~~
 20 ~~and maintained pursuant to Code Section 15-5-111~~ personal phone number, home
 21 address, or property or tax records of a protected person.

22 (2) 'Protected person' means any current or former:

23 (A) ~~Judge Elected or appointed judge~~ or justice of this state and his or her spouse;24 (B) ~~Judge Elected or appointed judge~~ of any county or municipality of this state and
25 his or her spouse; and26 (C) ~~Judge Appointed judge~~ or justice of the United States and his or her spouse.27 (3) ~~'Public posting or display' means to communicate information or otherwise make~~
28 ~~information available to the general public.~~

29 (4)(3) 'Publicly available content' means any written or electronic document or record
 30 that provides information or that serves as a document or record maintained, controlled,
 31 or in the possession of a state or local government entity that may be obtained by any
 32 person from the ~~internet~~ state or local government entity's public website or from such
 33 state or local government agency upon request whether free of charge or for a fee.

34 (5)(4) 'State or local government entity' means any:

35 (A) Agency of the executive branch of this state; or

36 (B) Any ~~local governing authority of a county or municipality of this state, including,~~
 37 but not limited to, any county or municipal court clerk's office, board of elections, board
 38 of tax assessors, or board of ethics.

39 15-5-111.

40 The Administrative Office of the Courts shall:

41 (1) Establish a method for obtaining information from the Administrative Office of the
42 United States Courts as necessary for purposes of this article;

43 (2) Develop a form for a protected person to use when requesting the restriction from
44 public disclosure of personally identifiable information pursuant to this article. Such
45 form may include a process for verification of the election or appointment of such person
46 as a judge or justice of this state or the United States or verification of such person's
47 status as the spouse of a person serving as a judge or justice of this state or the United
48 States ~~Establish and maintain a data base of protected persons and personally identifiable~~
49 ~~information;~~

50 (3) Make the form provided for in paragraph (2) of this Code section available to
51 protected persons on its public website ~~Develop and manage a process to regularly~~
52 ~~identify each state or local government entity that possesses personally identifiable~~
53 ~~information; and~~

54 (4) ~~Establish a procedure for protected persons to submit phone numbers and addresses~~
55 ~~for inclusion in a data base as personally identifiable information to be restricted from~~
56 ~~publicly available content and public posting or display; and~~

57 ~~(5)~~(4) ~~Coordinate statewide~~ state-wide training and information sharing related to
58 security procedure and practices relative to the judicial branch of government.

59 15-5-112.

60 (a) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary,
61 a state or local government entity shall restrict from public disclosure any personally
62 identifiable information that specifically identifies a protected person as a judge, justice,
63 or spouse thereof. The provisions of this subsection shall include, but shall not be limited
64 to, records or filings in the office of the Secretary of State and the State Ethics

65 ~~Commission. Within 30 days of receipt of written notice that a judge or justice of the~~
66 ~~United States, this state, or any county or municipality of this state has been elected or~~
67 ~~appointed, the Administrative Office of the Courts shall provide written notice to each state~~
68 ~~or local government entity determined by the Administrative Office of the Courts to~~
69 ~~possess personally identifiable information that directs such entity to restrict access to such~~
70 ~~personally identifiable information pursuant to subsection (c) of this Code section.~~

71 ~~(b) Notwithstanding any provision of Article 4 of Chapter 18 of Title 50 to the contrary,~~
72 ~~a state or local government entity that possesses records, filings, or other publicly available~~
73 ~~content that does not specifically identify a person as a judge, justice, or spouse thereof but~~
74 ~~that includes personally identifiable information of such a protected person shall, upon~~
75 ~~request of the protected person, restrict from public disclosure any personally identifiable~~
76 ~~information. A protected person may request that his or her personally identifiable~~
77 ~~information be restricted from public disclosure pursuant to this subsection by submitting~~
78 ~~a request in writing to the state or local government entity on the form provided for in Code~~
79 ~~Section 15-5-111. A state or local government entity receiving such request shall restrict~~
80 ~~from public disclosure the personally identifiable information within 30 days of receiving~~
81 ~~a valid request. Within 30 days of receipt of written notice that a judge or justice of the~~
82 ~~United States, this state, or any county or municipality of this state has resigned, retired,~~
83 ~~or been removed, the Administrative Office of the Courts shall provide written notice to~~
84 ~~each state or local government entity determined by the Administrative Office of the Courts~~
85 ~~to possess personally identifiable information that informs such entity that the restriction~~
86 ~~required pursuant to subsection (c) of this Code section is no longer applicable.~~

87 ~~(c) Notwithstanding Article 4 of Chapter 18 of Title 50 to the contrary, within 30 days of~~
88 ~~receipt of written notice from the Administrative Office of the Courts pursuant to~~
89 ~~subsection (a) of this Code section, a state or local government entity that has received such~~
90 ~~notice shall restrict personally identifiable information from publicly available content and~~
91 ~~public posting or display unless such entity has:~~

92 ~~(1) Obtained written consent from the protected person that his or her phone number and~~
93 ~~address may be made available to the general public; or~~
94 ~~(2) Received notice pursuant to subsection (b) of this Code section that a judge or justice~~
95 ~~of the United States, this state, or any county or municipality thereof has resigned, retired,~~
96 ~~or been removed.~~
97 ~~(d)~~(c) Any protected person may bring an action in a court of competent jurisdiction
98 against any officer or employee of the state or local government entity in his or her
99 individual capacity for failure to comply with subsection ~~(e)~~ (a) or (b) of this Code section.
100 Any relief granted by such action shall be limited to injunctive relief."

101

SECTION 2.

102 All laws and parts of laws in conflict with this Act are repealed.