

# Georgia Open Records Act

## Case Law Summaries and Topical Index

Including a topical guide for ease of reference.

Last reviewed and updated in June, 2024.

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## Important note

In 2012, the Open Records Act was significantly amended by the legislature. When reading a case decided prior to 2012, it's important to look at the underlying language in the statute to make sure that it was not amended since the case was decided. We have attempted to note all instances in which a case was decided on an outdated version of the law.

## Disclaimer

This guide is intended to be a helpful resource for the public. It is not intended to be legal advice. These summaries are intentionally shortened for ease of reference, which means that some facts or legal points may be omitted. Please seek advice from a licensed attorney if you need assistance with a legal matter. Reading or receiving this guide does not create an attorney-client relationship between the reader and the author(s).

## Acknowledgments

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## How to use this guide

The guide has two parts.

**Part I** is the topical index: every case in the index, under the same headings, with a link to its summary where one exists, plus links to the opinion on Westlaw and on a free site. It is printed in landscape so the table fits.

**Part II** holds the case summaries in alphabetical order, one case per page. Each summary lists the topics that case appears under in Part I.

Entries beginning with **L** are later history of the case above them, such as a reconsideration, certiorari ruling, or decision on remand.

Reading on screen: in Word, Ctrl+click a link to follow it, and press Alt+Left Arrow to jump back to where you were.

# Part I: Topical index

## The Act's Purpose & Intent

| Case                                                                                                                                                                        | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 2007, 284 Ga.App. 465, 643 S.E.2d 774</b>                                                          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded: SJ for county reversed; trial court directed to grant SJ to newspaper          |
| ↳ <i>reconsideration denied, certiorari granted, affirmed in part, reversed in part</i> : Unified Government v. Athens Newspapers, LLC., 284 Ga. 192, 663 S.E.2d 248 (2008) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                  |
| ↳ <i>on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008)                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>Fulton DeKalb Hosp. Authority v. Miller &amp; Billips, 2008, 293 Ga.App. 601, 667 S.E.2d 455</b>                                                                         | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order compelling disclosure of internal-investigation records upheld                      |
| <b>Geer v. Phoebe Putney Health System, Inc., 2020, 310 Ga. 279, 849 S.E.2d 660</b> — <i>reconsideration denied</i>                                                         | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed the Court of Appeals                                                                       |
| <b>Griffin Industries, Inc. v. Georgia Dept. of Agriculture, 2011, 313 Ga.App. 69, 720 S.E.2d 212</b> — <i>reconsideration denied, certiorari denied</i>                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: SJ for Dept. of Agriculture upheld                                                        |
| <b>Griffin-Spalding County Hospital Authority v. Radio Station WKEU, 1978, 240 Ga. 444, 241 S.E.2d 196</b>                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part, and modified                                                    |
| <b>McFrugal Rental of Riverdale, Inc. v. Garr, 1992, 262 Ga. 369, 418 S.E.2d 60</b>                                                                                         | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded                                                                                  |
| <b>Powell v. VonCanon, 1996, 219 Ga.App. 840, 467 S.E.2d 193</b>                                                                                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part: remanded to set reproduction cost of computerized records       |
| <b>Smith v. Northside Hospital, Inc., 2018, 347 Ga.App. 700, 820 S.E.2d 758</b> — <i>certiorari denied</i>                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: affirmed (incl. protective order for requester)                                          |
| <b>Stone v. State, 2002, 257 Ga.App. 492, 571 S.E.2d 488</b>                                                                                                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (criminal conviction)                                                                      |
| <b>Strange v. Housing Authority of City of Summerville, 2004, 268 Ga.App. 403, 602 S.E.2d 185</b>                                                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part (SJ for housing authority)                                       |
| <b>Theragenics Corp. v. Department of Natural Resources, 2000, 244 Ga.App. 829, 536 S.E.2d 613, 55 U.S.P.Q.2d 1381</b>                                                      | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed (for Theragenics)                                                                          |
| ↳ <i>certiorari granted, affirmed</i> : Georgia Department of Natural Resources v. Theragenics Corp., 273 Ga. 724, 545 S.E.2d 904 (2001)                                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed the Court of Appeals (for Theragenics)                                                     |
| <b>Tobin v. Cobb County Bd. of Educ., 2004, 278 Ga. 663, 604 S.E.2d 161</b> — <i>reconsideration denied</i>                                                                 | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: mandamus dismissed because ORA provides an adequate legal remedy                          |
| <b>Wallace v. Greene County, 2005, 274 Ga.App. 776, 618 S.E.2d 642</b> — <i>reconsideration denied, certiorari denied</i>                                                   | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded: SJ reversed on requester's                           |

| Case                   | Summary | Westlaw | Free access | Outcome |
|------------------------|---------|---------|-------------|---------|
| ORA attorney-fee claim |         |         |             |         |

## What is a Record?

| Case                                                                                                                                       | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Consumer Credit Research Foundation v. Board of Regents of the University System of Georgia, 2017, 341 Ga.App. 323, 800 S.E.2d 24</b>   | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded (later reversed by 303 Ga. 828)                                                           |
| ↳ <i>certiorari granted, reversed</i> : Campaign for Accountability v. Consumer Credit Research Found., 303 Ga. 828, 815 S.E.2d 841 (2018) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure                |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)    | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                                                                  |
| <b>Dooley v. Davidson, 1990, 260 Ga. 577, 397 S.E.2d 922</b>                                                                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded                                                                |
| <b>Fincher v. State, 1998, 231 Ga.App. 49, 497 S.E.2d 632</b>                                                                              | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (against plaintiff whose report was released)                                                       |
| <b>Green v. Drinnon, Inc., 1992, 262 Ga. 264, 417 S.E.2d 11</b>                                                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: judge must release tape/transcript of in-court remarks                                             |
| <b>Hackworth v. Board of Educ. for City of Atlanta, 1994, 214 Ga.App. 17, 447 S.E.2d 78 — <i>certiorari denied</i></b>                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded                                                                                          |
| <b>Harris v. Cox Enterprises, Inc., 1986, 256 Ga. 299, 348 S.E.2d 448</b>                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order releasing GBI investigative report upheld                                                    |
| <b>Irvin v. Macon Telegraph Pub. Co., 1984, 253 Ga. 43, 316 S.E.2d 449</b>                                                                 | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: disclosure of GBI investigation records upheld                                                     |
| <b>Jersawitz v. Hicks, 1994, 264 Ga. 553, 448 S.E.2d 352</b>                                                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: SJ for clerk; no right to direct modem access                                                      |
| <b>Schulten, Ward &amp; Turner, LLP v. Fulton-DeKalb Hosp. Authority, 2000, 272 Ga. 725, 535 S.E.2d 243</b>                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed                                                                                                     |
| <b>Smith v. DeKalb County, 2007, 288 Ga.App. 574, 654 S.E.2d 469 — <i>certiorari denied</i></b>                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: permanent injunction for Secretary of State                                                        |
| <b>Smith v. Northside Hosp., Inc., 2016, 336 Ga.App. 843, 783 S.E.2d 480</b>                                                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed dismissal of requester's ORA action; cross-appeal dismissed as moot (later reversed by 302 Ga. 517) |
| ↳ <i>reconsideration denied, certiorari granted, reversed</i> : Smith v. Northside Hospital, Inc., 302 Ga. 517, 807 S.E.2d 909 (2017)      | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded                                                                                          |
| ↳ <i>on remand</i> : Smith v. Northside Hosp., Inc., 347 Ga.App. 700, 820 S.E.2d 758 (2018) — <i>certiorari denied</i>                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: affirmed (incl. protective order for requester)                                                   |

## What is an Agency?

| Case                                                                     | Summary                      | Westlaw                 | Free access                                                    | Outcome                            |
|--------------------------------------------------------------------------|------------------------------|-------------------------|----------------------------------------------------------------|------------------------------------|
| <b>Clayton County Hosp. Authority v. Webb, 1993, 208 Ga.App. 91, 430</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access</a> | Reversed & remanded with direction |

| Case                                                                                                                                     | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>S.E.2d 89</b>                                                                                                                         |                              |                         | <a href="#">Project</a>                                                |                                                                                                   |
| <b>Corporation of Mercer University v. Barrett &amp; Farahany, LLP, 2005, 271 Ga.App. 501, 610 S.E.2d 138</b> — <i>certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed: private-university campus police records not subject to ORA                             |
| <b>Davis v. Augusta Press, 2023, 367 Ga.App. 893, 889 S.E.2d 110</b>                                                                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Reversed & remanded                                                                               |
| <b>Hackworth v. Board of Educ. for City of Atlanta, 1994, 214 Ga.App. 17, 447 S.E.2d 78</b> — <i>certiorari denied</i>                   | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded                                                                               |
| <b>Institute for Justice v. Reilly, 2019, 351 Ga.App. 317, 830 S.E.2d 793</b> — <i>certiorari denied</i>                                 | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: dismissal upheld; General Assembly not subject to ORA                                   |
| <b>Northwest Georgia Health System, Inc. v. Times-Journal, Inc., 1995, 218 Ga.App. 336, 461 S.E.2d 297</b>                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (for newspaper)                                                                          |
| <b>Red &amp; Black Pub. Co., Inc. v. Board of Regents, 1993, 262 Ga. 848, 427 S.E.2d 257</b>                                             | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed as to records; reversed as to Organization Court proceedings (Open Meetings Act applies) |
| <b>Smith v. Northside Hospital, Inc., 2017, 302 Ga. 517, 807 S.E.2d 909</b>                                                              | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded                                                                               |
| ↳ <i>on remand</i> : <b>Smith v. Northside Hosp., Inc., 347 Ga.App. 700, 820 S.E.2d 758 (2018)</b> — <i>certiorari denied</i>            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: affirmed (incl. protective order for requester)                                        |
| <b>Op. Atty. Gen. No. 1997-20, May 20, 1997</b>                                                                                          | —                            | —                       | <a href="#">Georgia AG website</a>                                     | Attorney General opinion (advisory)                                                               |
| <b>Op. Atty. Gen. No. 1999-13, Sept. 7, 1999</b>                                                                                         | —                            | —                       | <a href="#">Georgia AG website</a>                                     | Attorney General opinion (advisory)                                                               |
| <b>Op. Atty. Gen. No. U00-4, Feb. 25, 2000</b>                                                                                           | —                            | —                       | <a href="#">Georgia AG website</a>                                     | Attorney General opinion (advisory)                                                               |

## Filing a Request

| Case                                                                                                                                                                               | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Atchison v. Hospital Authority of City of St. Marys, 1980, 245 Ga. 494, 265 S.E.2d 801</b>                                                                                      | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed: denial of mandamus reversed                                                               |
| <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 2007, 284 Ga.App. 465, 643 S.E.2d 774</b>                                                                 | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded: SJ for county reversed; trial court directed to grant SJ to newspaper          |
| ↳ <i>reconsideration denied, certiorari granted, affirmed in part, reversed in part</i> : <b>Unified Government v. Athens Newspapers, LLC., 284 Ga. 192, 663 S.E.2d 248 (2008)</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                  |
| ↳ <i>on remand</i> : <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008)</b>                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>Bowers v. Shelton, 1995, 265 Ga. 247, 453 S.E.2d 741</b>                                                                                                                        | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed                                                                                            |
| <b>City of Carrollton v. Information Age, Inc., 2010, 306 Ga.App. 891, 703 S.E.2d 431</b> — <i>certiorari denied</i>                                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (for requester)                                                                            |
| <b>Clayton County Hosp. Authority v. Webb, 1993, 208 Ga.App. 91, 430 S.E.2d 89</b>                                                                                                 | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded with direction                                                                  |
| <b>Richmond County Hosp. Authority v. Southeastern Newspapers Corp.,</b>                                                                                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: hospital authority subject to                                                             |

| Case                                                                                                                                                      | Summary                      | Westlaw                                                           | Free access                                                            | Outcome                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>1984, 252 Ga. 19, 311 S.E.2d 806</b>                                                                                                                   |                              |                                                                   | <a href="#">Project</a>                                                | ORA; attorney-fee award upheld                                                                      |
| <b>Unified Government of Athens-Clarke County v. Athens Newspapers, LLC, 2008, 284 Ga. 192, 663 S.E.2d 248</b>                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                  |
| ↳ <i>reconsideration denied, on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008) | —                            | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>Op.Atty.Gen. No. 93-27, Dec. 15, 1993, 1993 WL 546473</b>                                                                                              | —                            | <a href="#">Westlaw</a><br>( <i>find-by-cite link, untested</i> ) | — ( <i>not found on Georgia AG website</i> )                           | Attorney General opinion (advisory)                                                                 |

## Agency Response

| Case                                                                                                                                                                        | Summary                      | Westlaw                 | Free access                                                                            | Outcome                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 2007, 284 Ga.App. 465, 643 S.E.2d 774</b>                                                          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed & remanded: SJ for county reversed; trial court directed to grant SJ to newspaper          |
| ↳ <i>reconsideration denied, certiorari granted, affirmed in part, reversed in part</i> : Unified Government v. Athens Newspapers, LLC., 284 Ga. 192, 663 S.E.2d 248 (2008) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part                                                                  |
| ↳ <i>on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008)                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>Blau v. Georgia Department of Corrections, 2022, 364 Ga.App. 1, 873 S.E.2d 464 — certiorari denied</b>                                                                   | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                                          | Reversed in part, vacated in part & remanded with direction                                         |
| <b>Butt v. Kemp, 2023, 367 Ga.App. 252, 885 S.E.2d 311</b>                                                                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                                          | Affirmed                                                                                            |
| <b>Campaign for Accountability v. Consumer Credit Research Foundation, 2018, 303 Ga. 828, 815 S.E.2d 841</b>                                                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure       |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)                                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | On remand: SJ for Board of Regents affirmed                                                         |
| <b>Chua v. Johnson, 2016, 336 Ga.App. 298, 784 S.E.2d 449</b>                                                                                                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Vacated & remanded with direction                                                                   |
| <b>Edwards v. Gwinnett County School Dist., 2013, 977 F.Supp.2d 1322</b>                                                                                                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Summary judgment granted to school district                                                         |
| <b>Griffin Industries, Inc. v. Georgia Dept. of Agriculture, 2011, 313 Ga.App. 69, 720 S.E.2d 212 — reconsideration denied, certiorari denied</b>                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: SJ for Dept. of Agriculture upheld                                                        |
| <b>Hoffman v. Oxendine, 2004, 268 Ga.App. 316, 601 S.E.2d 813</b>                                                                                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed: Commissioner abused discretion in denying ORA request                                     |
| <b>Jaraysi v. City of Marietta, 2008, 294 Ga.App. 6, 668 S.E.2d 446</b>                                                                                                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed & remanded: SJ for city reversed                                                           |
| ↳ <i>reconsideration denied, on remand</i> : 2008 WL 9028508                                                                                                                | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search</a> ( <i>no free copy found; unverified search</i> ) | Trial-court decision on remand (not reviewed)                                                       |

| Case                                                                                                                                                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>Napper v. Georgia Television Co., 1987, 257 Ga. 156, 356 S.E.2d 640</b>                                                                                                                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded                                                    |
| <b>Schulten, Ward &amp; Turner, LLP v. Fulton-DeKalb Hosp. Authority, 2000, 272 Ga. 725, 535 S.E.2d 243</b>                                                                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed                                                                                         |
| <b>Theragenics Corp. v. Department of Natural Resources, 2000, 244 Ga.App. 829, 536 S.E.2d 613, 55 U.S.P.Q.2d 1381</b>                                                                                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed (for Theragenics)                                                                       |
| ↳ <i>certiorari granted, affirmed</i> : Georgia Department of Natural Resources v. Theragenics Corp., 273 Ga. 724, 545 S.E.2d 904 (2001)                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed the Court of Appeals (for Theragenics)                                                  |
| <b>Wallace v. Greene County, 2005, 274 Ga.App. 776, 618 S.E.2d 642 — reconsideration denied, certiorari denied</b>                                                                                        | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded: SJ reversed on requester's ORA attorney-fee claim |
| <b>Wallace v. harrise County, 2005, 274 Ga.App. 776, 618 S.E.2d 642 — reconsideration denied, certiorari denied ("harrise" appears to be a typo in the source; same case as Wallace v. Greene County)</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded: SJ reversed on requester's ORA attorney-fee claim |

## Searching for Records

| Case                                                                                                                                              | Summary                      | Westlaw                 | Free access                                                                     | Outcome                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Blau v. Georgia Department of Corrections, 2022, 2022 WL 1596677</b>                                                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> ( <i>likely same decision as 364 Ga. App. 1</i> ) | Likely the same decision as 364 Ga. App. 1 (reversed in part, vacated in part & remanded) |
| <b>City of Brunswick v. Atlanta Journal &amp; Constitution, 1994, 214 Ga.App. 150, 447 S.E.2d 41</b>                                              | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>          | Affirmed: ex parte hearing upheld                                                         |
| ↳ <i>certiorari denied, affirmed</i> : Atlanta Journal & Constitution v. City of Brunswick, 265 Ga. 413, 457 S.E.2d 176 (1995)                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>          | Affirmed the Court of Appeals: ex parte hearing proper                                    |
| <b>Felker v. Lukemire, 1996, 267 Ga. 296, 477 S.E.2d 23 — reconsideration denied</b>                                                              | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>          | Affirmed                                                                                  |
| <b>Griffin Industries, Inc. v. Georgia Dept. of Agriculture, 2011, 313 Ga.App. 69, 720 S.E.2d 212 — reconsideration denied, certiorari denied</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>          | Affirmed: SJ for Dept. of Agriculture upheld                                              |
| <b>Jersawitz v. Hicks, 1994, 264 Ga. 553, 448 S.E.2d 352</b>                                                                                      | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>          | Affirmed: SJ for clerk; no right to direct modem access                                   |
| <b>Schulten, Ward &amp; Turner, LLP v. Fulton-DeKalb Hosp. Authority, 2000, 272 Ga. 725, 535 S.E.2d 243</b>                                       | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>          | Affirmed                                                                                  |
| <b>Op. Atty. Gen. No. 89-32, June 30, 1989</b>                                                                                                    | —                            | —                       | — ( <i>not found on Georgia AG website</i> )                                    | Attorney General opinion (advisory)                                                       |

## Fees

| Case                                                                                                          | Summary                      | Westlaw                 | Free access                                                            | Outcome                             |
|---------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-------------------------------------|
| <b>City of Carrollton v. Information Age, Inc., 2010, 306 Ga.App. 891, 703 S.E.2d 431 — certiorari denied</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (for requester)            |
| <b>McBride v. Wetherington, 1991, 199 Ga.App. 7, 403 S.E.2d 873</b>                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: dismissal of inmate's ORA |

| Case                                                                                | Summary                      | Westlaw                 | Free access                                                                                       | Outcome                                                                                             |
|-------------------------------------------------------------------------------------|------------------------------|-------------------------|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>McFrugal Rental of Riverdale, Inc. v. Garr, 1992, 262 Ga. 369, 418 S.E.2d 60</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">Project</a><br><a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | complaint<br>Vacated & remanded                                                                     |
| <b>Powell v. VonCanon, 1996, 219 Ga.App. 840, 467 S.E.2d 193</b>                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                            | Affirmed in part, reversed in part:<br>remanded to set reproduction cost of<br>computerized records |
| <b>Trammell v. Martin, 1991, 200 Ga.App. 435, 408 S.E.2d 477</b>                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                            | Affirmed in part, reversed in part with<br>direction                                                |

## Exemptions

| Case                                                                                                                           | Summary                      | Westlaw                 | Free access                                                                   | Outcome                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Atlanta Journal &amp; Constitution v. City of Brunswick, Ga., 1995, 265 Ga. 413, 457 S.E.2d 176</b>                         | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed the Court of Appeals: ex parte<br>hearing proper                |
| <b>Black v. Department of Transp., 1992, 262 Ga. 342, 417 S.E.2d 655</b>                                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: DOT appraisals exempt while<br>condemnation litigation pending |
| <b>Board of Regents of the University System of Georgia v. The Atlanta Journal, 1989, 259 Ga. 214, 378 S.E.2d 305</b>          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed (for newspapers)                                                |
| <b>Bowers v. Shelton, 1995, 265 Ga. 247, 453 S.E.2d 741</b>                                                                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed                                                                 |
| <b>Castell v. State, 1983, 250 Ga. 776, 301 S.E.2d 234</b>                                                                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed (criminal conviction)                                           |
| <b>Central Atlanta Progress, Inc. v. Baker, 2006, 278 Ga.App. 733, 629 S.E.2d 840</b>                                          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: orders requiring disclosure of<br>the bids upheld              |
| <b>City of Atlanta v. Corey Entertainment, Inc., 2004, 278 Ga. 474, 604 S.E.2d 140</b>                                         | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: order to disclose tax returns<br>upheld                        |
| <b>Deal v. Coleman, 2013, 294 Ga. 170, 751 S.E.2d 337</b>                                                                      | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded                                                      |
| <a href="#">↳ on remand: 2014 WL 7247121</a>                                                                                   | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search (no free copy found; unverified search)</a> | Trial-court decision on remand (not<br>reviewed)                         |
| <b>Doe v. Board of Regents of University System of Georgia, 1994, 215 Ga.App. 684, 452 S.E.2d 776 — reconsideration denied</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed in part, reversed in part &<br>remanded with direction          |
| <b>Dortch v. Atlanta Journal, 1991, 261 Ga. 350, 405 S.E.2d 43</b>                                                             | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: cell-phone numbers not<br>exempt                               |
| <b>Douglas Asphalt Co. v. E.R. Snell Contractor, Inc., 2006, 282 Ga.App. 546, 639 S.E.2d 372 — certiorari denied</b>           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed                                                                 |
| <b>Evans v. Belth, 1989, 193 Ga.App. 757, 388 S.E.2d 914</b>                                                                   | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded with direction: SJ<br>for requester reversed         |
| <b>Felker v. Lukemire, 1996, 267 Ga. 296, 477 S.E.2d 23 — reconsideration denied</b>                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed                                                                 |
| <b>Fincher v. State, 1998, 231 Ga.App. 49, 497 S.E.2d 632</b>                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed (against plaintiff whose report<br>was released)                |

| Case                                                                                                                                                                          | Summary                      | Westlaw                                                        | Free access                                                                            | Outcome                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Hardaway Co. v. Rives, 1992, 262 Ga. 631, 422 S.E.2d 854</b>                                                                                                               | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed                                                               |
| <b>Harris v. Cox Enterprises, Inc., 1986, 256 Ga. 299, 348 S.E.2d 448</b>                                                                                                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: order releasing GBI investigative report upheld              |
| <b>Houston v. Rutledge, 1976, 237 Ga. 764, 229 S.E.2d 624</b>                                                                                                                 | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Vacated with direction                                                 |
| <b>Howard v. Sumter Free Press, Inc., 2000, 272 Ga. 521, 531 S.E.2d 698</b> — <i>reconsideration denied</i>                                                                   | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: mandamus against sheriff upheld                              |
| <b>Irvin v. Macon Telegraph Pub. Co., 1984, 253 Ga. 43, 316 S.E.2d 449</b>                                                                                                    | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: disclosure of GBI investigation records upheld               |
| <b>Jaraysi v. City of Marietta, 2008, 294 Ga.App. 6, 668 S.E.2d 446</b>                                                                                                       | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed & remanded: SJ for city reversed                              |
| <a href="#">↪ reconsideration denied, on remand: 2008 WL 9028508</a>                                                                                                          | —                            | <a href="#">Westlaw</a>                                        | <a href="#">Google Scholar search</a> ( <i>no free copy found; unverified search</i> ) | Trial-court decision on remand (not reviewed)                          |
| <b>Media General Operations, Inc. v. St. Lawrence, 2016, 337 Ga.App. 428, 787 S.E.2d 778</b>                                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: records within pending-prosecution exemption                 |
| <b>Millar v. Fayette County Sheriff's Dept., 1999, 241 Ga.App. 659, 527 S.E.2d 270</b>                                                                                        | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: claim moot; equitable relief premature                       |
| <b>Napper v. Georgia Television Co., 1987, 257 Ga. 156, 356 S.E.2d 640</b>                                                                                                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part & remanded                          |
| <b>Price v. Fulton County Com'n, 1984, 170 Ga.App. 736, 318 S.E.2d 153</b>                                                                                                    | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: SJ for county commission                                     |
| <b>Richmond County Hosp. Authority v. Southeastern Newspapers Corp., 1984, 252 Ga. 19, 311 S.E.2d 806</b>                                                                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: hospital authority subject to ORA; attorney-fee award upheld |
| <b>Stone v. State, 2002, 257 Ga.App. 492, 571 S.E.2d 488</b>                                                                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed (criminal conviction)                                         |
| <b>Strange v. Housing Authority of City of Summerville, 2004, 268 Ga.App. 403, 602 S.E.2d 185</b>                                                                             | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part (SJ for housing authority)          |
| <b>U.S. ex rel. Lewis v. Walker, 2011, 438 Fed.Appx. 885, 2011 WL 3794690</b> — <i>Unreported</i>                                                                             | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: qui tam dismissed under public-disclosure bar                |
| <b>U.S. v. Napper, 1989, 887 F.2d 1528</b>                                                                                                                                    | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: U.S. may recover FBI documents loaned to city                |
| <a href="#">↪ rehearing denied: United States v. Napper (George), City of Atlanta, Alverson (Luther), the Atlanta Journal, the Atlanta Constitution, 893 F.2d 1341 (1989)</a> | —                            | <a href="#">Westlaw</a>                                        | <a href="#">CourtListener</a>                                                          | Rehearing denied                                                       |
| <b>Op.Atty.Gen. No. 88-3, Jan. 20, 1988, 1988 WL 247683</b>                                                                                                                   | —                            | <a href="#">Westlaw</a> ( <i>find-by-cite link, untested</i> ) | — ( <i>not found on Georgia AG website</i> )                                           | Attorney General opinion (advisory)                                    |
| <b>Op.Atty.Gen. No. 91-33, Dec. 23, 1991, 1991 WL 498919</b>                                                                                                                  | —                            | <a href="#">Westlaw</a> ( <i>find-by-cite link,</i>            | — ( <i>not found on Georgia AG website</i> )                                           | Attorney General opinion (advisory)                                    |

| Case                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Summary | Westlaw                 | Free access                        | Outcome                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------|------------------------------------|-------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         | <i>untested)</i>        |                                    |                                     |
| <b>Op. Atty. Gen. No. 1997-20, May 20, 1997</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | —       | —                       | <a href="#">Georgia AG website</a> | Attorney General opinion (advisory) |
| <b>Op. Atty. Gen. No. 1999-13, Sept. 7, 1999</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | —       | —                       | <a href="#">Georgia AG website</a> | Attorney General opinion (advisory) |
| <b>Op. Atty. Gen. No. U05-1, Feb. 23, 2005, 2005 WL 429763</b> ( <a href="https://1.next.westlaw.com/Link/Document/FullText?findType=Y&amp;serNum=0303621609&amp;pubNum=0000999&amp;originatingDoc=NA301AC10B49811E19BF5A612B1CE924D&amp;refType=DE&amp;originationContext=notesOfDecisions&amp;contextData=%28sc.Category%29&amp;transitionType=NotesOfDecisionItem&amp;ppcid=c584f7b5da45400085a94f393a36e782">https://1.next.westlaw.com/Link/Document/FullText?findType=Y&amp;serNum=0303621609&amp;pubNum=0000999&amp;originatingDoc=NA301AC10B49811E19BF5A612B1CE924D&amp;refType=DE&amp;originationContext=notesOfDecisions&amp;contextData=%28sc.Category%29&amp;transitionType=NotesOfDecisionItem&amp;ppcid=c584f7b5da45400085a94f393a36e782</a> ) | —       | <a href="#">Westlaw</a> | <a href="#">Georgia AG website</a> | Attorney General opinion (advisory) |
| <b>Op. Atty. Gen. No. 07-4, July 11, 2007, 2007 WL 2199002</b> ( <a href="https://1.next.westlaw.com/Link/Document/FullText?findType=Y&amp;serNum=0332684218&amp;pubNum=0000999&amp;originatingDoc=NA301AC10B49811E19BF5A612B1CE924D&amp;refType=DE&amp;originationContext=notesOfDecisions&amp;contextData=%28sc.Category%29&amp;transitionType=NotesOfDecisionItem&amp;ppcid=c584f7b5da45400085a94f393a36e782">https://1.next.westlaw.com/Link/Document/FullText?findType=Y&amp;serNum=0332684218&amp;pubNum=0000999&amp;originatingDoc=NA301AC10B49811E19BF5A612B1CE924D&amp;refType=DE&amp;originationContext=notesOfDecisions&amp;contextData=%28sc.Category%29&amp;transitionType=NotesOfDecisionItem&amp;ppcid=c584f7b5da45400085a94f393a36e782</a> ) | —       | <a href="#">Westlaw</a> | <a href="#">Georgia AG website</a> | Attorney General opinion (advisory) |

## Bank Records

| Case                                                                         | Summary | Westlaw                 | Free access                                                            | Outcome                             |
|------------------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|-------------------------------------|
| <b>Williams v. Coffee County Bank, 1983, 168 Ga.App. 149, 308 S.E.2d 430</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: directed verdict for bank |

## Coroner Records & Inquests

| Case                                                                 | Summary | Westlaw                 | Free access                                                            | Outcome  |
|----------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|----------|
| <b>Kilgore v. R.W. Page Corp., 1989, 259 Ga. 556, 385 S.E.2d 406</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Remanded |
| <b>R.W. Page Corp. v. Kilgore, 1987, 257 Ga. 179, 356 S.E.2d 870</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed |

## Hospital Records

| Case                                                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                |
|-----------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Richmond County Hosp. Authority v. Southeastern Newspapers Corp., 1984, 252 Ga. 19, 311 S.E.2d 806</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: hospital authority subject to ORA; attorney-fee award upheld |
| <b>Southeastern Legal Foundation, Inc. v. Ledbetter, 1991, 260 Ga. 803, 400 S.E.2d 630</b>                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed                                                               |
| <b>Georgia Hosp. Assoc. v. Ledbetter, 1990, 260 Ga. 477, 396 S.E.2d 488</b>                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed                                                               |

## Law Enforcement/Investigation Records

| Case                                                                 | Summary                      | Westlaw                 | Free access                                                            | Outcome                            |
|----------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|------------------------------------|
| <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded: SJ for county |

| Case                                                                                                                                                                        | Summary                      | Westlaw                 | Free access                                                                            | Outcome                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>County, 2007, 284 Ga.App. 465, 643 S.E.2d 774</b>                                                                                                                        |                              |                         | <a href="#">Project</a>                                                                | reversed; trial court directed to grant SJ to newspaper                                             |
| ↳ <i>reconsideration denied, certiorari granted, affirmed in part, reversed in part</i> : Unified Government v. Athens Newspapers, LLC., 284 Ga. 192, 663 S.E.2d 248 (2008) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part                                                                  |
| ↳ <i>on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008)                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>Atlanta Journal &amp; Constitution v. City of Brunswick, Ga., 1995, 265 Ga. 413, 457 S.E.2d 176</b>                                                                      | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed the Court of Appeals: ex parte hearing proper                                              |
| <b>Augusta Press, Inc. v. Roundtree, 2023, 368 Ga.App. 64, 888 S.E.2d 267</b>                                                                                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                                          | Affirmed: dismissal of complaint against sheriff                                                    |
| <b>Brown v. Fluellen, 2021, 564 F.Supp.3d 1308</b>                                                                                                                          | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search</a> ( <i>no free copy found; unverified search</i> ) | Not reviewed (no free copy located)                                                                 |
| <b>City of Brunswick v. Atlanta Journal &amp; Constitution, 1994, 214 Ga.App. 150, 447 S.E.2d 41</b>                                                                        | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: ex parte hearing upheld                                                                   |
| ↳ <i>certiorari denied, affirmed</i> : Atlanta Journal & Constitution v. City of Brunswick, 265 Ga. 413, 457 S.E.2d 176 (1995)                                              | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed the Court of Appeals: ex parte hearing proper                                              |
| <b>Crow v. Brown, 1971, 332 F.Supp. 382</b>                                                                                                                                 | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Ruled for plaintiffs (affirmed, 457 F.2d 788)                                                       |
| ↳ <i>affirmed</i> : Crow v. Brown, 457 F.2d 788 (1972)                                                                                                                      | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed                                                                                            |
| <b>Doe v. Board of Regents of University System of Georgia, 1994, 215 Ga.App. 684, 452 S.E.2d 776</b> — <i>reconsideration denied</i>                                       | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part & remanded with direction                                        |
| <b>Drummond v. Proctor, 2023, 2023 WL 2576759</b>                                                                                                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> <i>docket (order itself not free)</i>                    | Not reviewed (order not freely available)                                                           |
| <b>Evans v. Georgia Bureau of Investigation, 2015, 297 Ga. 318, 773 S.E.2d 725</b>                                                                                          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: denial of mandamus upheld                                                                 |
| <b>Houston v. Rutledge, 1976, 237 Ga. 764, 229 S.E.2d 624</b>                                                                                                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Vacated with direction                                                                              |
| <b>Lebis v. State, 1994, 212 Ga.App. 481, 442 S.E.2d 786</b> — <i>certiorari denied</i>                                                                                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed (criminal conviction)                                                                      |
| <b>McBride v. Wetherington, 1991, 199 Ga.App. 7, 403 S.E.2d 873</b>                                                                                                         | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: dismissal of inmate's ORA complaint                                                       |
| <b>Media General Operations, Inc. v. St. Lawrence, 2016, 337 Ga.App. 428, 787 S.E.2d 778</b>                                                                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: records within pending-prosecution exemption                                              |
| <b>Napper v. Georgia Television Co., 1987, 257 Ga. 156, 356 S.E.2d 640</b>                                                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part & remanded                                                       |
| <b>Parker v. Lee, 1989, 259 Ga. 195, 378 S.E.2d 677</b>                                                                                                                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed & remanded: investigatory files must be disclosed despite possible retrial                 |
| <b>Schick v. Board of Regents of University System of Georgia, 2015, 334</b>                                                                                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed in part, reversed in part &                                                                |

| Case                                                                                                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Ga.App. 425, 779 S.E.2d 452</b>                                                                                                                        |                              |                         | <a href="#">Project</a>                                                | remanded with direction                                                                             |
| <b>Unified Government of Athens-Clarke County v. Athens Newspapers, LLC, 2008, 284 Ga. 192, 663 S.E.2d 248</b>                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                  |
| ↳ <i>reconsideration denied, on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008) | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |

## Motor Vehicle Certificate of Titles & Accident Reports

| Case                                                                         | Summary | Westlaw                 | Free access                                                                   | Outcome                                          |
|------------------------------------------------------------------------------|---------|-------------------------|-------------------------------------------------------------------------------|--------------------------------------------------|
| <b>Spottsville v. Barnes, 2001, 135 F.Supp.2d 1316</b>                       | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | On remand, judgment again entered for defendants |
| ↳ <i>affirmed</i> : 32 Fed.Appx. 534, 2002 WL 369911                         | —       | <a href="#">Westlaw</a> | <a href="#">Google Scholar search (no free copy found; unverified search)</a> | Affirmed (per Westlaw history; not reviewed)     |
| <b>Williams v. Coffee County Bank, 1983, 168 Ga.App. 149, 308 S.E.2d 430</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: directed verdict for bank              |

## Personnel Records

| Case                                                                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>Goddard v. City of Albany, 2009, 285 Ga. 882, 684 S.E.2d 635</b>                                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed                                                                                         |
| <b>Irvin v. Macon Telegraph Pub. Co., 1984, 253 Ga. 43, 316 S.E.2d 449</b>                                                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: disclosure of GBI investigation records upheld                                         |
| <b>Wallace v. Greene County, 2005, 274 Ga.App. 776, 618 S.E.2d 642</b> — <i>reconsideration denied, certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded: SJ reversed on requester's ORA attorney-fee claim |

## Privacy

| Case                                                                                                                   | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                   |
|------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------|
| <b>City of Atlanta v. Corey Entertainment, Inc., 2004, 278 Ga. 474, 604 S.E.2d 140</b>                                 | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order to disclose tax returns upheld            |
| <b>Dortch v. Atlanta Journal, 1991, 261 Ga. 350, 405 S.E.2d 43</b>                                                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: cell-phone numbers not exempt                   |
| <b>Fincher v. State, 1998, 231 Ga.App. 49, 497 S.E.2d 632</b>                                                          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (against plaintiff whose report was released)    |
| <b>Hackworth v. Board of Educ. for City of Atlanta, 1994, 214 Ga.App. 17, 447 S.E.2d 78</b> — <i>certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded                                       |
| <b>Harris v. Cox Enterprises, Inc., 1986, 256 Ga. 299, 348 S.E.2d 448</b>                                              | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order releasing GBI investigative report upheld |

## Property Records

| Case                                                                  | Summary | Westlaw                 | Free access                                                            | Outcome                 |
|-----------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|-------------------------|
| <b>Pensyl v. Peach County, Ga., 1984, 252 Ga. 450, 314 S.E.2d 434</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (both appeals) |

## Referendum Petitions

| Case                                                                               | Summary | Westlaw                 | Free access                                                            | Outcome                                                                                                 |
|------------------------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>John Doe No. 1 v. Reed, 2010, 130 S.Ct. 2811, 561 U.S. 186, 177 L.Ed.2d 493</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: disclosure of referendum petitions does not, as a general matter, violate the First Amendment |

## State matters

| Case                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                   |
|---------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------|
| <b>Hardaway Co. v. Rives, 1992, 262 Ga. 631, 422 S.E.2d 854</b>           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed                                                  |
| <b>Harris v. Cox Enterprises, Inc., 1986, 256 Ga. 299, 348 S.E.2d 448</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order releasing GBI investigative report upheld |

## Trade Secret

| Case                                                                                                                                            | Summary                      | Westlaw                                                           | Free access                                                            | Outcome                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------|
| <b>Georgia Dept. of Natural Resources v. Theragenics Corp., 2001, 273 Ga. 724, 545 S.E.2d 904</b>                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed the Court of Appeals (for Theragenics)            |
| <b>Hardaway Co. v. Rives, 1992, 262 Ga. 631, 422 S.E.2d 854</b>                                                                                 | —                            | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed                                                   |
| <b>Smith v. Northside Hospital, Inc., 2018, 347 Ga.App. 700, 820 S.E.2d 758</b><br>— <i>certiorari denied</i>                                   | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: affirmed (incl. protective order for requester) |
| <b>State Road and Tollway Authority v. Electronic Transaction Consultants Corp., 2010, 306 Ga.App. 487, 702 S.E.2d 486</b>                      | —                            | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed                                                   |
| <b>Theragenics Corp. v. Department of Natural Resources, 2000, 244 Ga.App. 829, 536 S.E.2d 613, 55 U.S.P.Q.2d 1381</b>                          | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed (for Theragenics)                                 |
| <b>↓, <i>certiorari granted, affirmed</i>: Georgia Department of Natural Resources v. Theragenics Corp., 273 Ga. 724, 545 S.E.2d 904 (2001)</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                                           | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed the Court of Appeals (for Theragenics)            |
| <b>Op.Atty.Gen. No. 94-15, March 31, 1994, 1994 WL 151739</b>                                                                                   | —                            | <a href="#">Westlaw</a><br>( <i>find-by-cite link, untested</i> ) | <a href="#">Georgia AG website</a>                                     | Attorney General opinion (advisory)                        |

## University Records

| Case                                                                       | Summary | Westlaw                 | Free access                                                    | Outcome                   |
|----------------------------------------------------------------------------|---------|-------------------------|----------------------------------------------------------------|---------------------------|
| <b>Board of Regents of the University System of Georgia v. The Atlanta</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access</a> | Affirmed (for newspapers) |

| Case                                                                                                                                       | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>Journal, 1989, 259 Ga. 214, 378 S.E.2d 305</b>                                                                                          |                              |                         | <a href="#">Project</a>                                                |                                                                                                   |
| <b>Campaign for Accountability v. Consumer Credit Research Foundation, 2018, 303 Ga. 828, 815 S.E.2d 841</b>                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure     |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)    | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                                                       |
| <b>Consumer Credit Research Foundation v. Board of Regents of the University System of Georgia, 2017, 341 Ga.App. 323, 800 S.E.2d 24</b>   | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded (later reversed by 303 Ga. 828)                                                |
| ↳ <i>certiorari granted, reversed</i> : Campaign for Accountability v. Consumer Credit Research Found., 303 Ga. 828, 815 S.E.2d 841 (2018) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure     |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)    | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                                                       |
| <b>Corporation of Mercer University v. Barrett &amp; Farahany, LLP, 2005, 271 Ga.App. 501, 610 S.E.2d 138 — certiorari denied</b>          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed: private-university campus police records not subject to ORA                             |
| <b>Cremens v. Atlanta Journal, 1991, 261 Ga. 496, 405 S.E.2d 675</b>                                                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                |
| <b>Dooley v. Davidson, 1990, 260 Ga. 577, 397 S.E.2d 922</b>                                                                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded                                                     |
| <b>Macon Telegraph Pub. Co. v. Board of Regents of University System of Georgia, 1986, 256 Ga. 443, 350 S.E.2d 23</b>                      | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed in part: SJ for state appellees reversed                                                 |
| <b>Red &amp; Black Pub. Co., Inc. v. Board of Regents, 1993, 262 Ga. 848, 427 S.E.2d 257</b>                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed as to records; reversed as to Organization Court proceedings (Open Meetings Act applies) |
| <b>Soloski v. Adams, 2009, 600 F.Supp.2d 1276</b>                                                                                          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | District court order on magistrate's R&R (see opinion)                                            |

## Work product doctrine

| Case                                                                                                | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                        |
|-----------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <b>Augusta Press, Inc. v. Roundtree, 2023, 368 Ga.App. 64, 888 S.E.2d 267</b>                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed: dismissal of complaint against sheriff                               |
| <b>Fulton DeKalb Hosp. Authority v. Miller &amp; Billips, 2008, 293 Ga.App. 601, 667 S.E.2d 455</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order compelling disclosure of internal-investigation records upheld |

## Civil Procedure

### Discovery

| Case                                                                                   | Summary | Westlaw                 | Free access                                                            | Outcome                                          |
|----------------------------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------|
| <b>Millar v. Fayette County Sheriff's Dept., 1999, 241 Ga.App. 659, 527 S.E.2d 270</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: claim moot; equitable relief premature |

| Case                                                                                                          | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                    |
|---------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|------------------------------------------------------------|
| <b>Smith v. Northside Hospital, Inc., 2018, 347 Ga.App. 700, 820 S.E.2d 758</b><br>— <i>certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: affirmed (incl. protective order for requester) |

## Evidentiary Hearings

| Case                                                                                                                           | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                           |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>Chua v. Johnson, 2016, 336 Ga.App. 298, 784 S.E.2d 449</b>                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded with direction                                 |
| <b>City of Brunswick v. Atlanta Journal &amp; Constitution, 1994, 214 Ga.App. 150, 447 S.E.2d 41</b>                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: ex parte hearing upheld                                 |
| ↳ <i>certiorari denied, affirmed</i> : Atlanta Journal & Constitution v. City of Brunswick, 265 Ga. 413, 457 S.E.2d 176 (1995) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed the Court of Appeals: ex parte hearing proper            |
| <b>Garland v. State, 2021, 865 S.E.2d 533</b>                                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed (criminal appeal)                                        |
| <b>Milliron v. Antonakakis, 2023, 891 S.E.2d 448</b> — <i>reconsideration denied</i>                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed in part, vacated in part (attorney-fee award) & remanded |

## In camera inspection

| Case                                                                                                                                                                        | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 2007, 284 Ga.App. 465, 643 S.E.2d 774</b>                                                          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded: SJ for county reversed; trial court directed to grant SJ to newspaper          |
| ↳ <i>reconsideration denied, certiorari granted, affirmed in part, reversed in part</i> : Unified Government v. Athens Newspapers, LLC., 284 Ga. 192, 663 S.E.2d 248 (2008) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                  |
| ↳ <i>on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008)                                           | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>City of Atlanta v. Pacific and Southern Co., Inc., 1987, 257 Ga. 587, 361 S.E.2d 484</b>                                                                                 | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                                  |
| <b>Harris v. Cox Enterprises, Inc., 1986, 256 Ga. 299, 348 S.E.2d 448</b>                                                                                                   | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order releasing GBI investigative report upheld                                           |
| <b>Trammell v. Martin, 1991, 200 Ga.App. 435, 408 S.E.2d 477</b>                                                                                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part with direction                                                   |
| <b>Williams v. DeKalb County, 2022, 875 S.E.2d 865</b>                                                                                                                      | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed in part, vacated in part & remanded                                                        |

## Injunctive Relief

| Case                                                                                                                                     | Summary                      | Westlaw                 | Free access                                                            | Outcome                                            |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|----------------------------------------------------|
| <b>Consumer Credit Research Foundation v. Board of Regents of the University System of Georgia, 2017, 341 Ga.App. 323, 800 S.E.2d 24</b> | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded (later reversed by 303 Ga. 828) |
| ↳ <i>certiorari granted, reversed</i> : Campaign for Accountability v. Consumer                                                          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA                 |

| Case                                                                                                                                    | Summary | Westlaw                 | Free access                                                            | Outcome                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|------------------------------------------------------------|
| Credit Research Found., 303 Ga. 828, 815 S.E.2d 841 (2018)                                                                              |         |                         | <a href="#">Project</a>                                                | exemptions do not bar an agency's discretionary disclosure |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018) | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                |

## Jurisdiction

| Case                                                        | Summary                      | Westlaw                 | Free access                                                            | Outcome  |
|-------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|----------|
| <b>Bowers v. Shelton, 1995, 265 Ga. 247, 453 S.E.2d 741</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed |

## Pleadings

| Case                                                                                        | Summary | Westlaw                 | Free access                   | Outcome                                                                      |
|---------------------------------------------------------------------------------------------|---------|-------------------------|-------------------------------|------------------------------------------------------------------------------|
| <b>Cardinale v. Keane, 2022, 362 Ga.App. 644, 869 S.E.2d 613</b> — <i>certiorari denied</i> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> | Affirmed (A21A1718); reversed in part, vacated in part & remanded (A21A1719) |
| <b>Milliron v. Antonakakis, 2023, 891 S.E.2d 448</b> — <i>reconsideration denied</i>        | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> | Affirmed in part, vacated in part (attorney-fee award) & remanded            |

## Scope of Review

| Case                                                                                                | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                        |
|-----------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <b>Chua v. Johnson, 2016, 336 Ga.App. 298, 784 S.E.2d 449</b>                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded with direction                                              |
| <b>Davis v. Augusta Press, 2023, 367 Ga.App. 893, 889 S.E.2d 110</b>                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Reversed & remanded                                                            |
| <b>Fulton DeKalb Hosp. Authority v. Miller &amp; Billips, 2008, 293 Ga.App. 601, 667 S.E.2d 455</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order compelling disclosure of internal-investigation records upheld |
| <b>Hardaway Co. v. Rives, 1992, 262 Ga. 631, 422 S.E.2d 854</b>                                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed                                                                       |

## Service

| Case                                                                                                                                          | Summary | Westlaw                 | Free access                                                            | Outcome                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------|
| <b>Sampson v. Georgia Dept. of Juvenile Justice, 2014, 328 Ga.App. 733, 760 S.E.2d 203</b> — <i>reconsideration denied, certiorari denied</i> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed: dismissal of ORA complaint reversed |

## Statutory Interpretation

| Case                                                                                                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 2007, 284 Ga.App. 465, 643 S.E.2d 774</b>                                        | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed & remanded: SJ for county reversed; trial court directed to grant SJ to newspaper |
| ↳ <i>reconsideration denied, certiorari granted, affirmed in part, reversed in part</i> : Unified Government v. Athens Newspapers, LLC., 284 Ga. 192, 663 | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                                         |

| Case                                                                                                                                       | Summary                      | Westlaw                 | Free access                                                                   | Outcome                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| S.E.2d 248 (2008)                                                                                                                          |                              |                         |                                                                               |                                                                                                     |
| ↳ <i>on remand</i> : Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 293 Ga.App. 534, 667 S.E.2d 405 (2008)          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | On remand: Division 1 vacated and Supreme Court opinion adopted; affirmed in part, reversed in part |
| <b>Central Atlanta Progress, Inc. v. Baker, 2006, 278 Ga.App. 733, 629 S.E.2d 840</b>                                                      | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: orders requiring disclosure of the bids upheld                                            |
| <b>City of Brunswick v. Atlanta Journal &amp; Constitution, 1994, 214 Ga.App. 150, 447 S.E.2d 41</b>                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed: ex parte hearing upheld                                                                   |
| ↳ <i>certiorari denied, affirmed</i> : Atlanta Journal & Constitution v. City of Brunswick, 265 Ga. 413, 457 S.E.2d 176 (1995)             | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed the Court of Appeals: ex parte hearing proper                                              |
| <b>Consumer Credit Research Foundation v. Board of Regents of the University System of Georgia, 2017, 341 Ga.App. 323, 800 S.E.2d 24</b>   | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Vacated & remanded (later reversed by 303 Ga. 828)                                                  |
| ↳ <i>certiorari granted, reversed</i> : Campaign for Accountability v. Consumer Credit Research Found., 303 Ga. 828, 815 S.E.2d 841 (2018) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure       |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)    | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | On remand: SJ for Board of Regents affirmed                                                         |
| <b>Corporation of Mercer University v. Barrett &amp; Farahany, LLP, 2005, 271 Ga.App. 501, 610 S.E.2d 138 — certiorari denied</b>          | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed: private-university campus police records not subject to ORA                               |
| <b>Deal v. Coleman, 2013, 294 Ga. 170, 751 S.E.2d 337</b>                                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded                                                                                 |
| ↳ <i>on remand</i> : 2014 WL 7247121                                                                                                       | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search (no free copy found; unverified search)</a> | Trial-court decision on remand (not reviewed)                                                       |
| <b>Doe v. Board of Regents of University System of Georgia, 1994, 215 Ga.App. 684, 452 S.E.2d 776 — reconsideration denied</b>             | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed in part, reversed in part & remanded with direction                                        |

## Summary Judgment

| Case                                                                                                                   | Summary                      | Westlaw                 | Free access                                                                   | Outcome                                                    |
|------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>Benefit Support, Inc. v. Hall County, 2006, 281 Ga.App. 825, 637 S.E.2d 763 — certiorari denied</b>                 | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed (main appeal); reversed (county's cross-appeal)   |
| <b>GMS Air Conditioning, Inc. v. Department of Human Resources, 1991, 201 Ga.App. 136, 410 S.E.2d 341</b>              | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed                                                   |
| <b>Jaraysi v. City of Marietta, 2008, 294 Ga.App. 6, 668 S.E.2d 446</b>                                                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded: SJ for city reversed                  |
| ↳ <i>reconsideration denied, on remand</i> : 2008 WL 9028508                                                           | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search (no free copy found; unverified search)</a> | Trial-court decision on remand (not reviewed)              |
| <b>Smith v. Northside Hospital, Inc., 2017, 302 Ga. 517, 807 S.E.2d 909</b>                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded                                        |
| ↳ <i>on remand</i> : Smith v. Northside Hosp., Inc., 347 Ga.App. 700, 820 S.E.2d 758 (2018) — <i>certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | On remand: affirmed (incl. protective order for requester) |

## Mandamus

| Case                                                                                                        | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                    |
|-------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Blalock v. Cartwright, 2017, 300 Ga. 884, 799 S.E.2d 225</b>                                             | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: mandamus unavailable because ORA provides an adequate remedy     |
| <b>Evans v. Georgia Bureau of Investigation, 297 Ga. 318, 773 S.E.2d 725</b>                                | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: denial of mandamus upheld                                        |
| <b>Decatur County v. Bainbridge Post Searchlight, Inc., 280 Ga. 706, 632 S.E.2d 113</b>                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part                                         |
| <b>Howard v. Sumter Free Press, Inc., 272 Ga. 521, 531 S.E.2d 698</b>                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: mandamus against sheriff upheld                                  |
| <b>Pensyl v. Peach County, 252 Ga. 450, 314 S.E.2d 434</b>                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (both appeals)                                                    |
| <b>Blalock v. Cartwright, 2017, 300 Ga. 884, 799 S.E.2d 225</b>                                             | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: mandamus unavailable because ORA provides an adequate remedy     |
| <b>Tobin v. Cobb County Bd. of Educ., 2004, 278 Ga. 663, 604 S.E.2d 161</b> — <i>reconsideration denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: mandamus dismissed because ORA provides an adequate legal remedy |

## Appellate Review

| Case                                                                                                                                     | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Cardinale v. Keane, 2022, 362 Ga.App. 644, 869 S.E.2d 613</b> — <i>certiorari denied</i>                                              | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed (A21A1718); reversed in part, vacated in part & remanded (A21A1719) |
| <b>Cardinale v. Westmoreland, 2023, 367 Ga.App. 267, 885 S.E.2d 275</b> — <i>certiorari denied</i>                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed (A23A0051); affirmed in part, reversed in part (A22A1678)           |
| <b>City of Carrollton v. Information Age, Inc., 2010, 306 Ga.App. 891, 703 S.E.2d 431</b> — <i>certiorari denied</i>                     | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (for requester)                                                     |
| <b>Corporation of Mercer University v. Barrett &amp; Farahany, LLP, 2005, 271 Ga.App. 501, 610 S.E.2d 138</b> — <i>certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed: private-university campus police records not subject to ORA        |
| <b>Dortch v. Atlanta Journal, 1991, 261 Ga. 350, 405 S.E.2d 43</b>                                                                       | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: cell-phone numbers not exempt                                      |
| <b>Hall v. Linahan, 1997, 225 Ga.App. 439, 484 S.E.2d 65</b>                                                                             | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Appeals dismissed (inmate failed to seek discretionary review)               |
| <b>Napper v. Georgia Television Co., 1987, 257 Ga. 156, 356 S.E.2d 640</b>                                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded                                |

## Federal Courts

| Case                                                        | Summary | Westlaw                 | Free access                                                            | Outcome                                     |
|-------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|---------------------------------------------|
| <b>Ford v. City of Oakwood, Ga., 1995, 905 F.Supp. 1063</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Motion to dismiss granted; claims dismissed |

| Case                                                                                                                                                                  | Summary | Westlaw                 | Free access                                                            | Outcome                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------|------------------------------------------------------------------------|---------------------------------------------------------|
| <b>U.S. v. Napper, 1989, 887 F.2d 1528</b>                                                                                                                            | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: U.S. may recover FBI documents loaned to city |
| ↳ <i>rehearing denied</i> : United States v. Napper (George), City of Atlanta, Alverson (Luther), the Atlanta Journal, the Atlanta Constitution, 893 F.2d 1341 (1989) | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Rehearing denied                                        |

## Third Parties' Rights

| Case                                                                                                                                       | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Campaign for Accountability v. Consumer Credit Research Foundation, 2018, 303 Ga. 828, 815 S.E.2d 841</b>                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)    | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                                                   |
| <b>Consumer Credit Research Foundation v. Board of Regents of the University System of Georgia, 2017, 341 Ga.App. 323, 800 S.E.2d 24</b>   | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Vacated & remanded (later reversed by 303 Ga. 828)                                            |
| ↳ <i>certiorari granted, reversed</i> : Campaign for Accountability v. Consumer Credit Research Found., 303 Ga. 828, 815 S.E.2d 841 (2018) | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)    | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                                                   |
| <b>Harris v. Cox Enterprises, Inc., 1986, 256 Ga. 299, 348 S.E.2d 448</b>                                                                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: order releasing GBI investigative report upheld                                     |
| <b>Smith v. Northside Hospital, Inc., 2018, 347 Ga.App. 700, 820 S.E.2d 758</b><br>— <i>certiorari denied</i>                              | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: affirmed (incl. protective order for requester)                                    |

## Conflicts of Law

| Case                                                                                                                                    | Summary                      | Westlaw                 | Free access                                                                   | Outcome                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Bowers v. Shelton, 1995, 265 Ga. 247, 453 S.E.2d 741</b>                                                                             | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed                                                                                      |
| <b>Campaign for Accountability v. Consumer Credit Research Foundation, 2018, 303 Ga. 828, 815 S.E.2d 841</b>                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure |
| ↳ <i>on remand</i> : Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018) | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | On remand: SJ for Board of Regents affirmed                                                   |
| <b>Chisolm v. Tippens, 2008, 289 Ga.App. 757, 658 S.E.2d 147</b>                                                                        | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed                                                                                      |
| ↳ <i>reconsideration denied, certiorari denied, certiorari denied</i> : 129 S.Ct. 576, 555 U.S. 1013, 172 L.Ed.2d 431                   | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search (no free copy found; unverified search)</a> | Certiorari denied                                                                             |
| <b>City of Marietta v. Summerour, 2017, 302 Ga. 645, 807 S.E.2d 324</b>                                                                 | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed in part, reversed in part                                                            |

| Case                                                                                                                           | Summary                      | Westlaw                                               | Free access                                                                   | Outcome                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <a href="#">↳ reconsideration denied, on remand: Summerour v. City of Marietta, 346 Ga.App. 151, 815 S.E.2d 590 (2018)</a>     | —                            | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | On remand: reversed; condemnation petition to be dismissed                                    |
| <b>Davis v. Augusta Press, 2023, 367 Ga.App. 893, 889 S.E.2d 110</b>                                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a>                                                 | Reversed & remanded                                                                           |
| <b>Deal v. Coleman, 2013, 294 Ga. 170, 751 S.E.2d 337</b>                                                                      | —                            | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded                                                                           |
| <a href="#">↳ on remand: 2014 WL 7247121</a>                                                                                   | —                            | <a href="#">Westlaw</a>                               | <a href="#">Google Scholar search (no free copy found; unverified search)</a> | Trial-court decision on remand (not reviewed)                                                 |
| <b>Doe v. Board of Regents of University System of Georgia, 1994, 215 Ga.App. 684, 452 S.E.2d 776 — reconsideration denied</b> | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed in part, reversed in part & remanded with direction                                  |
| <b>Dye v. Wallace, 2001, 274 Ga. 257, 553 S.E.2d 561</b>                                                                       | —                            | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed (for newspaper and reporter)                                                         |
| <b>Georgia Hosp. Assoc. v. Ledbetter, 1990, 260 Ga. 477, 396 S.E.2d 488</b>                                                    | —                            | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed                                                                                      |
| <b>Hackworth v. Board of Educ. for City of Atlanta, 1994, 214 Ga.App. 17, 447 S.E.2d 78 — certiorari denied</b>                | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Reversed & remanded                                                                           |
| <b>Powell v. VonCanon, 1996, 219 Ga.App. 840, 467 S.E.2d 193</b>                                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a>                               | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>        | Affirmed in part, reversed in part: remanded to set reproduction cost of computerized records |
| <b>Op.Atty.Gen. No. 07-4, July 11, 2007, 2007 WL 2199002</b>                                                                   | —                            | <a href="#">Westlaw (find-by-cite link, untested)</a> | <a href="#">Georgia AG website</a>                                            | Attorney General opinion (advisory)                                                           |
| <b>Op.Atty.Gen. No. 92-13, July 21, 1992</b>                                                                                   | —                            | —                                                     | — (not found on Georgia AG website)                                           | Attorney General opinion (advisory)                                                           |

## Contracting Around the Act

| Case                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Campaign for Accountability v. Consumer Credit Research Foundation, 2018, 303 Ga. 828, 815 S.E.2d 841</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure |
| <a href="#">↳ on remand: Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga., 347 Ga.App. 188, 818 S.E.2d 260 (2018)</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | On remand: SJ for Board of Regents affirmed                                                   |
| <b>Op.Atty.Gen. No. U05-1, Feb. 23, 2005, 2005 WL 429763(<a href="https://1.next.westlaw.com/Link/Document/FullText?findType=Y&amp;serNum=0303621609&amp;pubNum=0000999&amp;originatingDoc=NB214483010B611EEB622E05C28740C4F&amp;refType=DE&amp;originationContext=notesOfDecisions&amp;contextData=%28sc.Document%29&amp;transitionType=NotesOfDecisionItem&amp;ppcid=6112928d5fdb464693c79b866f50bba3">https://1.next.westlaw.com/Link/Document/FullText?findType=Y&amp;serNum=0303621609&amp;pubNum=0000999&amp;originatingDoc=NB214483010B611EEB622E05C28740C4F&amp;refType=DE&amp;originationContext=notesOfDecisions&amp;contextData=%28sc.Document%29&amp;transitionType=NotesOfDecisionItem&amp;ppcid=6112928d5fdb464693c79b866f50bba3</a>)</b> | —                            | <a href="#">Westlaw</a> | <a href="#">Georgia AG website</a>                                     | Attorney General opinion (advisory)                                                           |

## Attorney's Fees & Penalties

| Case | Summary | Westlaw | Free access | Outcome |
|------|---------|---------|-------------|---------|
|------|---------|---------|-------------|---------|

| Case                                                                                                                                                                   | Summary                      | Westlaw                 | Free access                                                                            | Outcome                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Benefit Support, Inc. v. Hall County, 2006, 281 Ga.App. 825, 637 S.E.2d 763</b> — <i>certiorari denied</i>                                                          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed (main appeal); reversed (county's cross-appeal)                                      |
| <b>Campaign for Accountability v. Consumer Credit Research Foundation, 2018, 303 Ga. 828, 815 S.E.2d 841</b>                                                           | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure |
| <a href="#">↪ on remand</a> : <i>Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga.</i> , 347 Ga.App. 188, 818 S.E.2d 260 (2018)               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | On remand: SJ for Board of Regents affirmed                                                   |
| <b>Cardinale v. Keane, 2022, 362 Ga.App. 644, 869 S.E.2d 613</b> — <i>certiorari denied</i>                                                                            | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                                          | Affirmed (A21A1718); reversed in part, vacated in part & remanded (A21A1719)                  |
| <b>City of Carrollton v. Information Age, Inc., 2010, 306 Ga.App. 891, 703 S.E.2d 431</b> — <i>certiorari denied</i>                                                   | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed (for requester)                                                                      |
| <b>Consumer Credit Research Foundation v. Board of Regents of the University System of Georgia, 2017, 341 Ga.App. 323, 800 S.E.2d 24</b>                               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Vacated & remanded (later reversed by 303 Ga. 828)                                            |
| <a href="#">↪ certiorari granted, reversed</a> : <i>Campaign for Accountability v. Consumer Credit Research Found.</i> , 303 Ga. 828, 815 S.E.2d 841 (2018)            | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure |
| <a href="#">↪ on remand</a> : <i>Consumer Credit Research Found. v. Bd. of Regents of the Univ. Sys. of Ga.</i> , 347 Ga.App. 188, 818 S.E.2d 260 (2018)               | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | On remand: SJ for Board of Regents affirmed                                                   |
| <b>Edwards v. Gwinnett County School Dist., 2013, 977 F.Supp.2d 1322</b>                                                                                               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Summary judgment granted to school district                                                   |
| <b>Everett v. Rast, 2005, 272 Ga.App. 636, 612 S.E.2d 925</b>                                                                                                          | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: denial of ORA attorney fees upheld                                                  |
| <b>Geer v. Phoebe Putney Health System, Inc., 2019, 350 Ga.App. 127, 828 S.E.2d 108</b>                                                                                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: anti-SLAPP motion to strike denied                                                  |
| <a href="#">↪ certiorari granted, affirmed</a> : <i>Geer v. Phoebe Putney Health System, Inc.</i> , 310 Ga. 279, 849 S.E.2d 660 (2020) — <i>reconsideration denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                                          | Affirmed the Court of Appeals                                                                 |
| <b>Geer v. Phoebe Putney Health System, Inc., 2020, 2020 WL 5901557</b>                                                                                                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> ( <i>likely same decision as 310 Ga. 279</i> )           | Likely the same decision as 310 Ga. 279 (affirmed)                                            |
| <b>GMS Air Conditioning, Inc. v. Department of Human Resources, 1991, 201 Ga.App. 136, 410 S.E.2d 341</b>                                                              | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed                                                                                      |
| <b>Griffin Industries, Inc. v. Georgia Dept. of Agriculture, 2011, 313 Ga.App. 69, 720 S.E.2d 212</b> — <i>reconsideration denied, certiorari denied</i>               | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: SJ for Dept. of Agriculture upheld                                                  |
| <b>Hansen v. DeKalb County Bd. of Tax Assessors, 2014, 295 Ga. 385, 761 S.E.2d 35</b>                                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: mandamus nisi denied                                                                |
| <b>Howard v. Sumter Free Press, Inc., 2000, 272 Ga. 521, 531 S.E.2d 698</b> — <i>reconsideration denied</i>                                                            | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: mandamus against sheriff upheld                                                     |
| <b>Jaraysi v. City of Marietta, 2008, 294 Ga.App. 6, 668 S.E.2d 446</b>                                                                                                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Reversed & remanded: SJ for city reversed                                                     |
| <a href="#">↪ reconsideration denied, on remand</a> : 2008 WL 9028508                                                                                                  | —                            | <a href="#">Westlaw</a> | <a href="#">Google Scholar search</a> ( <i>no free copy found; unverified search</i> ) | Trial-court decision on remand (not reviewed)                                                 |
| <b>McBride v. Wetherington, 1991, 199 Ga.App. 7, 403 S.E.2d 873</b>                                                                                                    | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a>                 | Affirmed: dismissal of inmate's ORA complaint                                                 |

| Case                                                                                                                      | Summary                      | Westlaw                 | Free access                                                            | Outcome                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>Milliron v. Antonakakis, 2023, 891 S.E.2d 448</b> — <i>reconsideration denied</i>                                      | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a>                                          | Affirmed in part, vacated in part (attorney-fee award) & remanded                                |
| <b>Pensyl v. Peach County, Ga., 1984, 252 Ga. 450, 314 S.E.2d 434</b>                                                     | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed (both appeals)                                                                          |
| <b>Price v. Fulton County Com’n, 1984, 170 Ga.App. 736, 318 S.E.2d 153</b>                                                | —                            | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: SJ for county commission                                                               |
| <b>Richmond County Hosp. Authority v. Southeastern Newspapers Corp., 1984, 252 Ga. 19, 311 S.E.2d 806</b>                 | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed: hospital authority subject to ORA; attorney-fee award upheld                           |
| <b>Schick v. Board of Regents of University System of Georgia, 2015, 334 Ga.App. 425, 779 S.E.2d 452</b>                  | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded with direction                                     |
| <b>Wallace v. Greene County, 2005, 274 Ga.App. 776, 618 S.E.2d 642</b> — <i>reconsideration denied, certiorari denied</i> | <a href="#">Read summary</a> | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> · <a href="#">Caselaw Access Project</a> | Affirmed in part, reversed in part & remanded: SJ reversed on requester’s ORA attorney-fee claim |

## Criminal Penalties

| Case                                                           | Summary | Westlaw                 | Free access                   | Outcome                    |
|----------------------------------------------------------------|---------|-------------------------|-------------------------------|----------------------------|
| <b>Garland v. State, 2021, 361 Ga.App. 724, 865 S.E.2d 533</b> | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> | Affirmed (criminal appeal) |
| <b>Garland v. State, 2021, 865 S.E.2d 533</b>                  | —       | <a href="#">Westlaw</a> | <a href="#">CourtListener</a> | Affirmed (criminal appeal) |

## Part II: Case summaries

Summaries are in alphabetical order.

Each summary shows where to read the opinion, the outcome of the decision, and the topics the case is indexed under. Topic names link back to Part I.

## Atchison v. Hosp. Auth. of City of St. Marys, 245 Ga. 494 (1980)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed: denial of mandamus reversed

**Topics:** [Filing a Request](#)

Atchison v. Hosp. Auth. of City of St. Marys was decided under a prior version of the ORA, which required that a requester be a Georgia resident. A Georgia resident submitted a “strawman” request on behalf of his employer, a Florida newspaper. The trial court held that the requester was only a nominal plaintiff acting in the real interest of the Florida company, and therefore that the request was invalid.

The Supreme Court disagreed, holding that no provision of the ORA disqualifies a citizen of Georgia from exercising his rights under the Code section because he happens to be an employee of a nonresident corporation and may share the information received with his employer.

There was also some discussion interpreting the balancing test set forth in *Houston v. Rutledge*, 237 Ga. 764, 765 (1976) (“...the judiciary must balance the interest of the public in favor of inspection against the interest of the public in favor of non-inspection in deciding this issue.”). The Supreme Court noted that the “test was devised to enunciate the circumstances under which a trial court might prohibit public records from being open to inspection by the general public as provided in Code Ann. § 40- 2701.” Accordingly, the balancing test can only consider the nature of the records sought, not the employment connections of the requester.

## Athens Newspapers, LLC v. Unified Government of Athens-Clarke County, 643 S.E.2d 774 (Ga. App. 2007), aff'd in part, rev'd in part, 663 S.E.2d 248 (Ga. 2008)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed & remanded: SJ for county reversed; trial court directed to grant SJ to newspaper

**Topics:** [The Act's Purpose & Intent](#) · [Filing a Request](#) · [Agency Response](#) · [Exemptions > Law Enforcement/Investigation Records](#) · [Civil Procedure > In camera inspection](#) · [Civil Procedure > Statutory Interpretation](#)

In *Athens Newspapers, LLC v. Unified Government of Athens-Clarke County*, Athens Newspapers, LLC submitted an Open Records Act (“ORA”) request to defendant Unified Government of Athens-Clarke County (“the County”) for police department records about the investigation of the 1992 rape and murder of Jennifer Stone. No one was arrested or identified as a suspect in connection with the murder investigation, and investigators had not identified new evidence for several years at the time of the ORA request. However, the police department had not closed the investigatory file. The County refused to provide the requested documents, citing O.C.G.A. § 50-18-72(a)(4), which exempts records in pending investigations and prosecutions from ORA disclosure. Section 50-18-72(a)(4) states that the following records are exempt: “Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving said investigation and prosecution has become final or otherwise terminated.” The Georgia Supreme Court held that even a seemingly inactive investigation that has not resulted in prosecution remains “pending” under § 50-18-72(a)(4) until it is concluded and the file is closed. Therefore, the requested records were exempt from disclosure.

The Georgia Supreme Court also considered whether the County’s failure to respond to Athens Newspapers’ ORA request within three business days of receiving it violated the ORA. The statute requires agencies to provide an affirmative response to an ORA request within three business days of receipt. The Court held that the three-day window begins when the agency receives the request, rather than when the specific employee in charge of the records receives the request. This is because “if the response time begins only when the specific employee in charge of the records receives the request, ‘the agency would be able to extend the response time indefinitely, or even avoid sending the required response, by failing to forward the request to the appropriate employee . . . .’” Thus, the Court affirmed the Court of Appeals’ determination that the County violated the ORA when it received Athens Newspapers’ request on August 6, 2005, but did not respond until August 15, 2005.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Atlanta J. & Const. v. City of Brunswick, 457 S.E.2d 176 (Ga. 1995)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed the Court of Appeals: ex parte hearing proper

**Topics:** [Searching for Records](#) · [Exemptions](#) · [Exemptions > Law Enforcement/Investigation Records](#) · [Civil Procedure > Evidentiary Hearings](#) · [Civil Procedure > Statutory Interpretation](#)

Atlanta J. & Const. v. City of Brunswick, Ga., held that law enforcement initial incident reports are exempt from open records disclosure under an exemption for confidential information to the extent that the records would disclose such information. It also held that plaintiffs are not entitled to participate in hearings determining whether requested records contain confidential information.

The Atlanta Journal & Constitution and the Florida Times-Union (the Newspapers) brought suit against the City of Brunswick, Georgia (the City) under the Open Records Act (the Act) when the City denied the Newspapers' request for police records of incident reports. The trial court held an initial hearing with both parties, and then an ex parte hearing with the City to determine if the records were exempt from disclosure. The trial court held the records were exempt to the extent that disclosure would reveal confidential sources or endanger public safety. The City appealed on the grounds that this ruling was too broad; the Newspapers cross-appealed on the grounds that it was too narrow. The Court of Appeals affirmed the trial court ruling and the Supreme Court of Georgia granted petitions for certiorari to determine whether the records were exempt from disclosure and whether the Newspapers were entitled to attend the ex parte hearing. The Court affirmed both issues.

On the issue of whether the disclosure was exempt under the Act, the Court considered exemptions based on O.C.G.A. § 50-18-72(a)(3) and O.C.G.A. § 50-18-72(a)(4). Subsection (a)(3) provides a narrow exemption for disclosure of confidential information to the extent that it includes materials related to confidential sources, materials which may endanger a person or persons' safety, and materials which reveal the existence of a confidential investigation, unless disclosure is otherwise required by law. Subsection (a)(4) exempts disclosure of records in their entirety which are part of any pending investigation or prosecution of illegal activity, other than initial incident reports. The requested reports were for initial incidents and therefore were not exempt under subsection (a)(4); however, they did contain confidential information under subsection (a)(3). Because (a)(3) notes that the exemption applies unless otherwise required by law, the Newspapers contended that the reports' non-exemption under (a)(4) meant the entire reports must be disclosed under (a)(3). The City contended that the reports should be exempted in their entirety because they were exempted under subsection (a)(3). The Court noted that "[t]o exclude the entire document because it contains exempted material 'would be unresponsive to the legislative intent underlying the Act', but to require disclosure of the entire document would render the exception in (a)(3) meaningless. Finding that each subsection establishes independent exemptions, the Court affirmed the Court of Appeals' ruling that the reports are exempted from disclosure to the extent they contain confidential information under subsection (a)(3).

On the issue of whether the ex parte hearing properly excluded the Newspapers, the Court also affirmed the Court of Appeals' ruling. It noted that the ex parte hearing only occurred after the Newspapers had the opportunity to be heard at the initial hearing, and that the ex parte hearing properly focused only on whether the information was confidential within the meaning of the statute. Further, the Court stated that where a party has a legitimate interest in confidentiality of information, and ex parte hearing is proper so long as it is limited to the determination of confidentiality; to hold otherwise would result in disclosure of confidential information, which would be counterproductive to the purpose of the exemption.

*Special thanks to the students of Gerald Weber at Emory College of Law for preparing this summary.*

## Bowers v. Shelton, 265 Ga. 247, 247 (1995)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed

**Topics:** [Filing a Request](#) · [Exemptions](#) · [Civil Procedure](#) > [Jurisdiction](#) · [Conflicts of Law](#)

In *Bowers v. Shelton*, the Ga. Dep’t of Revenue conducted a tax investigation and prosecution against Mr. Shelton, who was Chairman of Delta Air Lines’ Master Executive Council. Numerous requests were filed for access to the criminal investigative file.

The Sheltons filed a complaint and enjoined Attorney General Bowers and Revenue Commissioner Marcus Collins from publicly disclosing any information in the investigative file. The court eventually ordered the record permanently sealed on the basis that the State’s file contains confidential tax information and that there was no legitimate public interest in disclosure and the disclosure would violate appellees’ right to privacy.

The AG appealed the permanent injunction, arguing that the ORA does not permit “reverse FOIA” actions, or actions that order agencies NOT to disclose records.<sup>1</sup> The Supreme Court disagreed, pointing out that, unlike FOIA, the ORA does mandate the nondisclosure of certain excepted information. *Harris v. Cox Enterprises, Inc.*, 256 Ga. 299, 348 S.E.2d 448 (1986). Accordingly, the Sheltons could ask the Court to enforce compliance with the Act by seeking to enjoin disclosure of legally protected information.

The Supreme Court then held that the Shelton investigative file did not contain public documents and affirmed the grant of injunctive relief. The court held that the file contained “personal financial documents,” and noted that the ORA provides that “[t]his article shall not be construed to repeal: ... [s]tate laws making certain tax matters confidential.” OCGA § 50–18–72(e)(3). The relevant state law relating to confidentiality of tax information is OCGA § 48–7–60(a), which mandates confidentiality with respect to personal tax information.

*Bowers* must be read in conjunction with *Campaign for Accountability v. Consumer Credit Rsch. Found.*, 303 Ga. 828 (2018), in which the Supreme Court held that the Court of Appeals interpreted *Bowers* too broadly when it held that ORA prohibits the disclosure of all information that is not required to be disclosed.

### Notes

1. This argument was based upon *Chrysler Corp. v. Brown*, 441 U.S. 281, decided under the Freedom of Information Act. The U.S. Supreme Court held that FOIA is purely a disclosure statute which affords no private right of action to enjoin agency disclosure. The basis for the ruling was the determination that Congress did not limit an agency’s discretion to disclose information when it enacted the FOIA, since the Act imposes no affirmative duties on an agency to withhold information sought.

## Campaign for Accountability v. Consumer Credit Rsch. Found., 303 Ga. 828 (2018)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed the Court of Appeals: ORA exemptions do not bar an agency's discretionary disclosure

**Topics:** [What is a Record?](#) · [Agency Response](#) · [Exemptions > University Records](#) · [Civil Procedure > Injunctive Relief](#) · [Civil Procedure > Statutory Interpretation](#) · [Third Parties' Rights](#) · [Conflicts of Law](#) · [Contracting Around the Act](#) · [Attorney's Fees & Penalties](#)

In Campaign for Accountability v. Consumer Credit Rsch. Found., the Supreme Court held that the Court of Appeals interpreted Bowers v. Shelton, 265 Ga. 247 (1995) too broadly when it held that the ORA prohibits the disclosure of exempt information.

A professor at Kennesaw State University entered into a confidentiality agreement with the Consumer Credit Research Foundation agreeing not to disclose certain information.

The Campaign for Accountability sent a request asking for copies of correspondence that would have been covered by the agreement. After KSU notified CFA and CCRF that it intended to disclose the requested records subject to possible redactions, CCRF filed a complaint in superior court against the Board of Regents, because KSU is part of the university system. CCRF sought a declaratory judgment that the records requested by CFA are exempt from disclosure and a permanent injunction prohibiting the Board from disclosing the records. The trial court granted CFA's motion to intervene in the case as a party defendant.

The trial court held that the Board could choose to disclose the requested records even if disclosure was not required. CCRF appealed. The Court of Appeals held that in light of the Supreme Court's decision in Bowers, the trial court should have held that KSU was prohibited from disclosing the information if it fell under an exemption.

The Supreme Court disagreed, holding that the exemptions are discretionary, not mandatory—unless they specifically say otherwise. Bowers was decided differently because under the applicable tax code, there was a confidentiality provision prohibiting disclosure. Also affecting that analysis was the fact that when Bowers was decided, the version of the ORA in effect at the time expressly said that it did not repeal the laws prohibiting disclosure of records covered by tax matters. Upholding the part of Bowers that addressed the viability of a reverse injunction, the Supreme Court clarified that parties can still bring legal actions to enjoin (stop) an agency from disclosing information when there is a confidentiality statute.

Unfortunately, the Supreme Court also noted that nothing in the ORA would prevent an agency from promising by contract not to disclose information that the ORA does not require them to disclose, assuming that the contract is within the agency's authority to enter and is otherwise valid. This indicates that the Court is open to the idea of parties "contracting around" the ORA, although the agency wasn't able to establish those facts in this case.

## City of Carrollton v. Info. Age, Inc., 306 Ga. App. 891, 891 (2010)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed (for requester)

**Topics:** [Filing a Request](#) · [Fees](#) · [Appellate Review](#) · [Attorney's Fees & Penalties](#)

In *City of Carrollton v. Info. Age, Inc.*, the City denied access to a request from the Information Age, a corporate requester, seeking insurance claims filed against the City and insurance payments from the City from a certain date. The City argued that the request was overly broad, unduly burdensome, and vague. The trial court found that there was nothing vague about the requests at issue, but rather that they were as “plain as day” and “self-explanatory.” The trial court also found that it would not be a burden for the City to provide access to the requested public records, especially since it could charge The Information Age the costs of providing such access.

The court awarded \$1,750 in attorney fees to The Information Age based on the City’s violation of the Open Records Act without substantial justification. The City appealed, but the Court of Appeals found no error and affirmed.

The Court of Appeals held that the trial court is vested with discretion in determining whether to allow or prohibit inspection of documents, and the proper standard of review is abuse of discretion. Similarly, the decision to award attorney fees under the Open Records Act is reviewed for an abuse of discretion. Finally, a trial court’s factual findings shall not be set aside unless clearly erroneous, and a reviewing court will construe the evidence to support the trial court’s judgment.

## Clayton Cnty. Hosp. Auth. v. Webb, 430 S.E.2d 89 (Ga. App. 1993)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed & remanded with direction

**Topics:** [What is an Agency?](#) · [Filing a Request](#)

Clayton Cnty. Hosp. Auth. v. Webb holds that a public agency may not avoid disclosure of its records under the Georgia Open Records Act (“ORA”) by reorganizing itself into one or more private corporate entities. In this case, the Clayton County Hospital Authority (“Authority”) created five subsidiary private nonprofit corporations, and transferred most of its assets to them. An employee of The Georgia Baptist Medical Center (“Georgia Baptist”) made two open records requests surrounding these asset transfers, claiming that she filed the requests as a concerned taxpayer, not as an agent of Georgia Baptist. However, Georgia Baptist provided her with legal counsel to make the requests and paid all of her legal fees and expenses associated with the requests. After the Authority complied with some, but not all of the requests, Georgia Baptist itself requested the records that had been denied to their employee. The Authority made three arguments as to why they did not have to furnish either Georgia Baptist or the employee with the records:

First, the Authority claimed the records were private and therefore not subject to the ORA because the Authority’s assets were held by its private subsidiary nonprofit corporations. The Court of Appeals disagreed, holding that the records were public because the nonprofits “functioned under the direction and control of the Authority to implement the Authority’s duty to provide for the public health,” and the Authority maintained control over the records. 430 S.E.2d at 93. Second, the Authority argued that it could deny the ORA requests because it asserted that both Georgia Baptist and its employee intended to use the documents for commercial purposes. Under a now-repealed provision of the ORA, “[n]o public officer or agency shall be required to provide access to public records which are to be used for commercial purposes. The requesting party shall sign a statement agreeing not to use information gathered pursuant to said request for commercial purposes.” O.C.G.A. 50-18-70(d). The trial court’s order compelling the Authority to release the records was conditioned on such a statement being signed by the employee and Georgia Baptist.

Third, the Authority argued that an administrative-process exception to the ORA applied. Both Georgia Baptist and the Authority had filed certificates of need with the State of Georgia to build a hospital in Fayette County, constituting an administrative process. A now-repealed provision of the Open Records Act provided that “a party may not access public records pertaining to the subject of the proceeding pursuant to this article without the prior approval of the presiding administrative law judge.” O.C.G.A. 50-18-70(e). The Court remanded this issue to the trial court to decide whether the requested records pertained to the filing of the certificate of need. Because the Georgia Baptist employee was not a party to the administrative proceedings, the Court also remanded to determine if the employee had requested the documents on her own behalf, as she claimed, or if she was acting an agent of Georgia Baptist.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*



## Corporation of Mercer University v. Barrett & Farahany, LLP, 610 S.E.2d 138 (Ga. App. 2005)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed: private-university campus police records not subject to ORA

**Topics:** [What is an Agency?](#) · [Exemptions > University Records](#) · [Civil Procedure > Statutory Interpretation](#) · [Appellate Review](#)

In *Corporation of Mercer University v. Barrett & Farahany, LLP*, the Georgia Court of Appeals held that the campus police force of Mercer University, a private college, was not subject to the Georgia Open Records Act (“ORA”). Mercer University operated the Mercer University Police Department (“MUPD”) under Georgia’s Campus Policeman Act, which authorizes campus police officers at public or private educational institutions to exercise full law enforcement powers on campus and in the surrounding public and private areas. The plaintiff, a law firm representing a Mercer student who claimed that Mercer was partially responsible for her sexual assault, made a request to MUPD for documents regarding victims of sexual assault. After MUPD denied the request, the law firm sued, arguing that MUPD was subject to the ORA because it was delegated public powers by the State of Georgia via the Campus Policeman Act. Alternatively, the law firm argued that the MUPD was maintained on behalf of or in service or function of a public office or agency because MUPD was required to report incidents of criminal gang activity to the Georgia Bureau of Investigation and to local law enforcement agencies.

The Georgia Court of Appeals rejected both of these arguments. The ORA defined “public records” to include records maintained by public agencies, and records “received or maintained by a private person or entity on behalf of a public office or agency” or “in the performance of a service or function for or on behalf of an agency, a public agency, or a public office.” The Court held that the mere fact that the state had delegated authority to the MUPD via the Campus Policeman Act did not “make [MUPD] officers or employees of a public office or agency.” Mercer is a private institution that does not receive funding from the state, and Mercer’s campus police officers are employees compensated solely by Mercer.

The court further held that neither the Campus Policeman Act nor the gang activity reporting statutes required MUPD to receive or maintain any specific documents so as to make MUPD’s documents “public.” The court further noted that “simply performing some task or function that has an indirect public benefit, or which aids the public as a whole, does not transform a private entity’s records into public records.” Rather, every case where a private entity’s records were determined to be public hinged on “factual finding[s] that the private entity carried out some public purpose at the express request of a public office or agency.” Because the MUPD was never affiliated with a governmental agency, did not perform any specific tasks for a government agency, and did not receive public funding, its records were not subject to the ORA.

The year after *Corporation of Mercer University v. Barrett & Farahany, LLP* was decided, its holding was superseded by an amendment to the Campus Policeman Act, which now provides that “[l]aw enforcement records created, received, or maintained by campus policemen that relate to the investigation of criminal conduct . . . shall be made available within a reasonable

time after request for public inspection and copying,” as long as those records are not exempt from disclosure by Georgia law. OCGA § 20-8-7 (enacted by 2006 Ga. L. 519 § 5).

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Davis v. Augusta Press, 889 S.E.2d 110 (Ga. App. 2023)

**Read the opinion:** [Westlaw](#) · [CourtListener](#)

**Outcome:** Reversed & remanded

**Topics:** [What is an Agency?](#) · [Civil Procedure > Scope of Review](#) · [Conflicts of Law](#)

Davis v. Augusta Press holds that a candidate for public office is a private individual whose documents are not necessarily public records under the Georgia Open Records Act (“ORA”), even if the candidate is an incumbent already in public office. The decision in Davis also holds that a trial court may not make a final determination on the merits of an ORA claim before the defendant party has had an opportunity to respond on all the issues.

In Davis, the Georgia Court of Appeals reversed and remanded a trial court order that required the defendant, Hardie Davis, Jr. (“Davis”), the Mayor of Augusta, to turn over documents relating to a complaint against him by the Georgia Government Transparency and Campaign Finance Commission (“the Commission”) in response to an ORA request from The Augusta Press. The Commission’s complaint alleged that Davis, in his capacity as candidate for mayor, improperly used campaign contributions to pay for certain expenses, as well as failed to disclose certain campaign expenditures.

Davis argued that the requested records were not “public” because they related to his activity as a candidate for office and therefore as a private individual, not to his activity as the incumbent mayor of Augusta. The Court of Appeals agreed, stating that the distinction between Mayor Davis and Candidate Davis was significant, because in order for records to be “public” they must have been “prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency[.]” Here, the issue is whether Candidate Davis was acting “in the performance of a function for” or “on behalf of” Mayor Davis when creating the campaign records that The Augusta Press requested. Furthermore, the ORA requires that records requests be made to the person “having custody of records open to the public[.]” O.C.G.A. § 50-18-73(a). As Davis was sued in his official capacity as mayor, it was not clear whether he actually had custody of the requested records since they related to his private-capacity campaign for re-election. The Court of Appeals therefore remanded for the trial court to make factual determinations of whether the requested records were indeed “public records,” and whether Davis, in his official capacity as Mayor, was the correct individual to whom to make the request.

Davis had also argued on appeal that the trial court erred in making a final judgment on the ORA issue (i.e., requiring him to produce the requested documents) without giving him a “full and fair” opportunity to respond. The Court of Appeals noted that trial courts are permitted to “reach a final determination of the issues” in an ORA case after an interlocutory hearing, such as a motion to dismiss hearing, “if the parties do not object or have acquiesced” to the trial court making that determination at such an early point in the litigation. Here, however, Davis had not specifically replied to The Augusta Press’ motion to require him to produce the requested documents, and he had also asked the trial court’s permission to pursue an interlocutory appeal. The Court of Appeals ruled that Davis therefore had not been given an opportunity to respond to The Augusta Press’ motion, had not acquiesced to the trial court making a final determination of

the ORA issue, and had not received proper notice that the trial court's determination was to be a final judgment on the merits. The Court of Appeals further remanded for additional proceedings and stated that if the trial court intended to make a final judgment on the merits, it must give Davis notice that it was doing so and an opportunity to respond.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Doe v. Board of Regents of the University System of Georgia, 452 S.E.2d 776 (Ga. App. 1994)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part & remanded with direction

**Topics:** [Exemptions](#) · [Exemptions > Law Enforcement/Investigation Records](#) · [Civil Procedure > Statutory Interpretation](#) · [Conflicts of Law](#)

In Doe v. Board of Regents of the University System of Georgia, the University of Georgia’s newspaper, “The Red & Black,” sought the release of a university police report of an incident reported by the plaintiff, in which she claimed that an unknown assailant abducted and raped on the university campus. The plaintiff filed a complaint against the Board of Regents of the University System of Georgia seeking injunctive relief against disclosure based on her right to privacy under O.C.G.A. § 50-18-72 (a)(2) and O.C.G.A. § 16-6-23. The superior court denied the plaintiff’s request for injunctive relief against the university’s release of the police report of the incident, holding that the newspaper was entitled to the report under the Open Records Act (“ORA”) and that O.C.G.A. § 16-6-23 did not protect the identities of persons who falsely claimed rape.

The Court of Appeals partially reversed the lower court’s denial of the plaintiff’s request for injunctive relief against the university to the extent that it permitted disclosure of the victim’s name or identity. Although the police report was a non-exempt public record under O.C.G.A. §§ 50-18-70(a) and 50-18-72(a)(4), the Court found that O.C.G.A. § 16-6-23, the rape victim confidentiality statute, creates an exception to Georgia’s ORA. The rape victim confidentiality statute protects the identities of persons who might have been rape victims from disclosure by the media and government agencies. For purposes of interpretation and to the extent of any repugnancy between them, the Court noted that the specific statute (the rape victim confidentiality statute) would prevail over the general statute (Georgia’s ORA), absent any indication of a contrary legislative intent. Because the Court found no reason to conclude O.C.G.A. § 16-6-23 is not one of the laws by which the General Assembly intended to create a specific and discrete exemption from the ORA, the university’s police report of the victim’s rape was exempt from release as a public record.

The Court of Appeals then acknowledged that this exemption governs the defendant’s actions because the prohibition in O.C.G.A. § 16-6-23 is not limited to the news media and expressly encompasses “any other person” as well. Additionally, the term “person” includes a government agency, per O.C.G.A. § 16-1-3(12). Because the defendant is a government agency, the exemption applies to its actions. Thus, the university was required to redact such information prior to releasing the police report in accordance with the requirements under O.C.G.A. § 16-6-23.

*Special thanks to Kaylee Marcitto, Esq., and Gerald Weber, Esq. for preparing this summary.*

## Douglas Asphalt Co. v. E.R. Snell Contractor, Inc., 639 S.E.2d 372 (Ga. App. 2006)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed

**Topics:** [Exemptions](#)

In *Douglas Asphalt Co. v. E.R. Snell Contractor, Inc.*, the Georgia Court of Appeals held that information about asphalt mixtures in documents submitted by contractors to the Georgia Department of Transportation (“Georgia DOT”) constituted trade secrets that were exempt from disclosure, and that the trial court did not err in permanently enjoining the Georgia DOT from disclosing that information. In this case, Douglas Asphalt Company (“Douglas”) submitted an Open Records Act (“ORA”) request to the Georgia DOT for Job Mix Formulas, which contain the mix formulas for different kinds of asphalt, and 159 worksheets, which reflect the asphalt testing results and quantities of asphalt laid every day on a specific job site, submitted by road contractors from 1997 to 2003. E.R. Snell Contractor (“Snell”) and ten other contractors sought an injunction preventing the Georgia DOT from producing the documents, arguing that they contained trade secrets that were exempt from disclosure under the ORA.

The ORA defines “trade secrets,” in part, as: “information, without regard to form, including but not limited to . . . a formula . . . which is not commonly known by or available to the public and which information: (A) Derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” O.C.G.A. § 10-1-761(4). The Georgia Court of Appeals explained that testimony established that the mix formula sought by Douglas is not readily ascertainable and cannot be duplicated with independent research. The court also rejected Douglas’s argument that placing the asphalt on public property destroys any reasonable expectation of secrecy because “even if the asphalt product placed on Georgia roadways is public property, the confidential technical specifications of the mix design are not public property.” Finally, the court found that the since contractors were required by law to submit information about their asphalt mix formula to the Georgia DOT, they had not waived their trade secrets by doing so. The court further reasoned that disclosing a private entity’s confidential information to business competitors failed to promote the purposes of the ORA.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Edwards v. Gwinnett Cnty. Sch. Dist., 977 F. Supp. 2d 1322 (N.D. Ga. 2013)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Summary judgment granted to school district

**Topics:** [Agency Response](#) · [Attorney's Fees & Penalties](#)

In *Edwards v. Gwinnett Cnty. Sch. Dist.*, a federal district court held that a school district did not violate the ORA when it made requested records available on the date that the parties had agreed to but refused to mail them to the requester. The court noted that the ORA did not require the district to mail the records to the requester, as long as they were otherwise available for retrieval.

## Evans v. Georgia Bureau of Investigation, 773 S.E.2d 725 (Ga. 2015)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: denial of mandamus upheld

**Topics:** [Exemptions](#) > [Law Enforcement/Investigation Records](#) · [Civil Procedure](#) > [Mandamus](#)

Evans v. Georgia Bureau of Investigation held that a law enforcement investigation file is entirely exempt from open records disclosure where a portion of the investigation is ongoing.

Petitioner Evans petitioned for a writ of mandamus<sup>2</sup> to request records pertaining to a Georgia Bureau of Investigation (GBI) investigation of himself and two others for racketeering. GBI maintained a single file on all three suspects and obtained arrest warrants for all three suspects, but dismissed the warrant against Evans and sought no indictment against him. Citing O.C.G.A. § 50-18-72(a)(4), a provision of the Open Records Act (the Act) which provides an exemption for pending investigations, GBI declined Evans' request. The trial court found Evans was not entitled to these records because subsection (a)(4) exempts the records of any investigation which is not finalized or otherwise terminated. The trial court noted that warrants against the other two suspects had not been dismissed, so the investigation still qualified as pending. The Supreme Court of Georgia affirmed.

On appeal before the Court, Evans argued that to assert the pending investigation exception, GBI must demonstrate that prosecution of at least one of the suspects is "imminent and of a finite duration". The Court rejected this argument, holding that an investigation may be considered pending until it is "concluded and the file closed" and noting that under this definition, the investigation of the other suspects was ongoing. Evans further argued that the records pertaining to him could be disclosed with the records of the other two suspects redacted or withheld. The Court also rejected this argument because the express language of subsection (a)(4) provides for broad exemption of the entirety of records of ongoing investigations, unless they qualify as initial incident reports.

### Notes

1. A subsequent case, *Blalock v. Cartwright*, 799 S.E.2d 225 (Ga. 2017), clarified that a writ of mandamus is no longer an appropriate avenue of relief under the Act and that a private right of action should be pursued instead.

*Special thanks to the students of Gerald Weber at Emory College of Law for preparing this summary.*

## Felker v. Lukemire, 267 Ga. 296 (1996)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed

**Topics:** [Searching for Records](#) · [Exemptions](#)

In *Felker v. Lukemire*, a death row inmate, through his attorney, requested all records pertaining to his case, as well as some files relating to other people. The district attorney made the records available. Later, the attorney requested the files of additional people.

The district attorney responded by stating that it was not clear from the request whether the requester wanted them to proceed with copying all of the files or whether they just wanted to inspect them. The district attorney concluded: “Nevertheless, because time is becoming a factor for you, I am not going to wait for further clarification; I have instructed that copying begin on the files you have requested.... If you have any questions or wish to more specifically set the parameters for copying, please let me know.” Twelve days later, the district attorney informed the requester’s attorney that the copying had been completed and that the copies could be retrieved upon the payment of costs. The lawyer did not respond to the district attorney’s letters.

Nevertheless, the inmate later sued the district attorney, alleging that the district attorney failed to disclose video or audio tapes of hypnosis sessions of witnesses and a requested autopsy.

The district attorney responded to the suit by informing the requester’s attorneys once again that they were free to inspect the files and copy what they needed. The requester’s attorneys did not, however, take that opportunity.

Thereafter, the trial court issued a death warrant, and the inmate’s execution was scheduled. Because the trial court would not set the ORA case down for a hearing, the inmate sought mandamus in the Supreme Court. The Supreme Court transmitted the case to the trial court for consideration of the mandamus as if it had been filed in that court. The trial court obviated the need for a mandamus hearing by scheduling a hearing in the ORA case. Fifteen minutes before the hearing began, the district attorney produced a box of material which had not been seen by the inmate’s attorneys previously. That box, which was clearly marked “Felker,” had been located in an office storage area. The next day, the trial court granted a 48-hour stay of execution, noting that it would be unfair to continue the proceedings without giving the inmate time to look through the box which had been disclosed the previous day. The next day, Felker was informed that still more materials had been discovered and another 48 hour stay of execution was granted.

At the hearing, witnesses from the Attorney General’s office testified that they uncovered yet another box of evidence from the district attorney’s office. The hearing went late into the night and the trial court announced its intention to finish it. Felker asked for a continuance to process the new materials produced by the district attorney and to find, subpoena and present additional witnesses. The trial court refused and entered a final order denying Felker the relief he sought. Felker appealed to the Supreme Court.

The Supreme Court sent the case back to the trial court for findings of fact and conclusions of law. The trial court decided that the district attorney complied with Felker's ORA request. Felker appealed again.

Felker argues that he was not given enough time to prepare for his hearing. The Supreme Court disagreed. When Felker filed his suit, he demanded an emergency evidentiary hearing. One month later, he reiterated his request for an expedited hearing. Felker could and should have begun preparing for the hearing months before it took place. It cannot be said that he was deprived of the opportunity to find and call witnesses on his behalf. As for the boxes, Felker does not now contend that anything he would have found therein would have led him to proceed differently. The trial court did not foreclose Felker's right to a full and fair hearing.

Felker contends that the district attorney failed to comply with his ORA request because (1) only one box of Felker file material was produced before the filing of this suit; and (2) the district attorney made no attempt to locate materials sought by Felker of the other named individuals.

We cannot accept this contention because it is predicated on the erroneous belief that a custodian of public records must himself locate, inspect and produce the documents sought by a citizen pursuant to an ORA request. A thorough reading of the ORA makes it clear that the legislature did not intend for a custodian of public records to comb through his files in search of documents sought by a public citizen. To the contrary, all that is required of a public records custodian is that he provide reasonable access to the files that are sought. Thus, we hold that a custodian of public records complies with an ORA request when he grants reasonable access to the files in his custody. Were we to hold otherwise, a public records custodian would subject himself to an ORA suit every time he located and produced documents because a citizen could always speculate about the existence of additional documents. The legislature could not have intended for an ORA request to be used to trap an unsuspecting public official in this way.

In this case, the district attorney responded to Felker's ORA request by notifying him that the records would be made available for inspection and copying. In so doing, the district attorney fully complied with his obligations under the Act. If Felker was not satisfied with the way in which the district attorney responded to his request, he should have so advised the district attorney and given him an opportunity to provide access to additional files. Cf. *GMS Air Conditioning, Inc. v. Department of Human Resources*, 201 Ga. App. 136 (1991) (before filing suit, plaintiff complained by letter that DHR failed to provide the records it requested).

## Fulton DeKalb Hosp. Authority v. Miller & Billips, 667 S.E.2d 455 (Ga. App. 2008)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: order compelling disclosure of internal-investigation records upheld

**Topics:** [The Act's Purpose & Intent](#) · [Exemptions > Work product doctrine](#) · [Civil Procedure > Scope of Review](#)

In *Fulton DeKalb Hosp. Authority v. Miller & Billips*, a law firm submitted an Open Records Act (“ORA”) request to the Fulton DeKalb Hospital Authority (“Hospital Authority”) seeking all records related to an internal investigation into allegations of sexual misconduct by members of the Hospital Authority’s human resources department. The Hospital Authority produced some documents, but withheld others—including tape-recorded interviews, interview notes, and the final report authored by an attorney in the Hospital Authority’s legal department—under the attorney-work-product doctrine. The Georgia Court of Appeals held that the withheld documents did not qualify as attorney work product. Under the work-product doctrine, documents and other tangible materials prepared by a party in anticipation of litigation or for trial are protected from disclosure. Materials are prepared in anticipation of litigation “if reasonable ground exist to believe that litigation is probable.” But an attorney’s mere participation in preparing the materials does not necessarily bring those materials within the protection of the work-product doctrine. Here, the Georgia Court of Appeals explained that the withheld materials were not work product because the Hospital Authority initiated the investigation in response to several anonymous complaints, rather than in response to any claim or threat of litigation. Further, the Court explained that there have been no claims made or lawsuits filed regarding the allegations. This case provides an example of when materials created in an internal investigation are not protected from ORA disclosure by the attorney-work-product doctrine.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Geer v. Phoebe Putney Health System, Inc., 849 S.E.2d 660 (Ga. 2020)

**Read the opinion:** [Westlaw](#) · [CourtListener](#)

**Outcome:** Affirmed the Court of Appeals

**Topics:** [The Act's Purpose & Intent](#) · [Attorney's Fees & Penalties](#)

In *Geer v. Phoebe Putney Health System, Inc.*, plaintiff Geer filed an Open Records Act (“ORA”) request with Phoebe Putney Health System, Inc. (“Phoebe Putney”) seeking minutes of its board meetings. When Phoebe Putney denied the request, Geer sued in superior court. With its answer, Phoebe Putney filed a counterclaim against Geer under O.C.G.A. § 50-18-73(b), which provides for an award of attorneys’ fees where “the court determines that either party [in an ORA litigation] acted without substantial justification either in not complying with [the ORA] or in instituting the litigation.” Geer moved to strike Phoebe Putney’s counterclaim under Georgia’s anti-Strategic Litigation Against Public Participation (“anti-SLAPP”) statute. The Georgia Court of Appeals held that the anti-SLAPP statute does not apply to an ORA defendant’s claim for attorneys’ fees, and the Georgia Supreme Court affirmed this decision.

The Georgia Supreme Court explained that the anti-SLAPP statute was designed to curtail lawsuits intended to silence or intimidate critics by overwhelming them with legal costs. Under the anti-SLAPP statute, a party subject to a meritless lawsuit against public participation may move to strike the lawsuit in response to being served with the complaint. To avoid dismissal under the anti-SLAPP statute, the party bringing the lawsuit must show a substantial likelihood of prevailing on the merits of their claim. The anti-SLAPP statute thus provides a mechanism for resolving meritless lawsuits against public participation at an early stage of litigation, thereby saving the defendant in the lawsuit from having to undergo the time and expense of discovery and further motion practice. The anti-SLAPP statute requires the court to consider only the pleadings and affidavits stating the facts of the case. In contrast, under the ORA, a court must determine whether an award of attorneys’ fees to one of the parties in the case is appropriate based on the “record as a whole,” which requires evaluating the merits of the underlying records dispute. Thus, unlike a defamation claim that is subject to the anti-SLAPP statute and can be evaluated at the pleading stage, a claim for attorneys’ fees in an ORA case is not ripe for consideration until much later in the litigation. At the pleading stage, without the “record as a whole” having been developed, a court cannot determine whether there is a probability that the party claiming attorneys’ fees under the ORA would be able to prevail on that claim. Thus, Georgia’s anti-SLAPP statute does not apply to a claim for attorneys’ fees under the ORA.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Green v. Drinnon, Inc., 417 S.E.2d 11 (Ga. 1992)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: judge must release tape/transcript of in-court remarks

**Topics:** [What is a Record?](#)

In *Green v. Drinnon, Inc.*, the Supreme Court of Georgia held that access to court records in Georgia is governed by Uniform State Court Rule 21 (“Rule 21”) and common law, not by the Open Records Act (“ORA”). In *Green*, an official court reporter audio-recorded Judge Robert H. Green’s opening remarks made from the bench, before any case had been called. A local newspaper asked the court reporter for a transcript of Judge Green’s opening remarks and then filed an open records request for the transcript. Both requests were denied. The newspaper sued the judge, arguing that the transcript was a public record under the ORA and a public court record under Rule 21. The trial court ruled for the newspaper pursuant to the ORA. The Georgia Supreme Court affirmed that a copy of the recording or a transcript of the judge’s remarks must be produced but disagreed with the trial court’s reliance on the ORA as the basis for this ruling. Rather, the Court held that the judge’s remarks had to be produced pursuant to Rule 21 which states that “[a]ll court records are public and are to be available for public inspection unless public access is limited by law or by the procedure set forth below.” The Court explained that “no law limits public access to the judge’s taped comments, nor can access to the comments be denied under the procedure set out in Rule 21,” which the judge had not invoked. *Green* therefore stands for the proposition that the ORA is not the proper legal authority for seeking public access to judicial records.

*Special thanks to Allyson Veile, Esq., Andrew Fox, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Griffin Industries, Inc. v. Georgia Department of Agriculture, 720 S.E.2d 212 (Ga. App. 2011)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: SJ for Dept. of Agriculture upheld

**Topics:** [The Act's Purpose & Intent](#) · [Agency Response](#) · [Searching for Records](#) · [Attorney's Fees & Penalties](#)

In *Griffin Industries, Inc. v. Georgia Department of Agriculture*, Griffin Industries, Inc. (“Griffin”) filed an Open Records Act (“ORA”) request with the Department of Agriculture (“the Department”) on December 29, 2004 for certain electronic documents, including emails related to Griffin “since January 1, 2003.” The Department made certain records available, including copies of three emails from the relevant time period. When Griffin renewed its request, the Department stated that it does not archive any emails of employees and, although the Department maintains backup tapes for emergency purposes, those backups are not reasonably available for searching. However, the Department agreed to preserve the existing backup tapes and compile any responsive emails upon prepayment, estimated to be between \$37,780 and \$2,837,705. The Georgia Court of Appeals held that the emails sought were not existing public records under the ORA because the Department did not maintain the emails, and extracting and compiling them from the backup tapes would have been cumbersome. The court further held that the trial court properly concluded that the Department provided Griffin with reasonable access to the records sought because the Department agreed to preserve the backup tapes and compile any responsive emails for a fee.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Griffin-Spalding County Hospital Authority v. Radio Station WKEU, 241 S.E.2d 196 (Ga. 1978)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part, and modified

**Topics:** [The Act's Purpose & Intent](#)

In Griffin-Spalding County Hospital Authority v. Radio Station WKEU, Radio Station WKEU sought records about the ambulance service operated by the Griffin-Spalding County Hospital Authority. The trial court held that the information sought by WKEU was subject to public inspection but that the documents containing that information also included medical information that could not be disclosed. The trial court ordered the Hospital Authority to maintain two forms such that the disclosable information would be separated from the non-disclosable information. The Georgia Court of Appeals reversed the trial court's Order that the Hospital Authority maintain two separate forms and held that the Hospital Authority must instead remove the medical information from the ambulance forms. The Court further held that the Hospital Authority may charge WKEU a reasonable reimbursement fee for the cost of redacting the forms before it produces them.

Procedurally in this case, WKEU sought to compel disclosure of the records by filing a petition for mandamus against the Hospital Authority. The Hospital Authority argued that the petition should be dismissed because it was filed against the Hospital Authority as an entity, rather than against the individual members of the authority. The Georgia Court of Appeals rejected this argument, holding that state law treats hospital authorities as public corporations that can be sued. Later, in *Blalock v. Cartwright*, 799 S.E. 2d 225 (Ga. 2017), the Georgia Supreme Court explained that Griffin-Spalding County Hospital Authority v. Radio Station WKEU was superseded by the current version of the Open Records Act, which provides a private right of action to compel disclosure of records and makes mandamus relief unnecessary.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Hackworth v. Board of Educ. for City of Atlanta, 447 S.E.2d 78 (Ga. App. 1994)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed & remanded

**Topics:** [What is a Record?](#) · [What is an Agency?](#) · [Exemptions > Privacy](#) · [Conflicts of Law](#)

In *Hackworth v. Board of Educ. for City of Atlanta*, the Georgia Court of Appeals held that the Georgia Open Records Act (“ORA”) applied to bus driver personnel records maintained by a private transit company – Laidlaw Transit, Inc (“Laidlaw”) – that contracted with the Atlanta Board of Education (“the Board”) to maintain school buses and drivers on behalf of the Atlanta city schools because the operation of buses was a “legitimate function” of the school system and thus was within the “operation” of a public agency.

The plaintiff, a TV station producer, requested the personnel records of certain school bus drivers from the Board. The Board released a handful of documents in its possession, but claimed the remaining documents were exclusively held by Laidlaw. Laidlaw refused to release the files, claiming that as a private entity, its records were not subject to disclosure under the ORA. At the time, the ORA defined “public records” as records “prepared and maintained or received in the course of the operation of a public office or agency” or “received or maintained by a private person or entity on behalf of a public office or agency.” O.C.G.A. § 50-18-70(a) (1994).

The TV producer sued both the Board and Laidlaw for the records. The court held that Laidlaw’s personnel files were subject to disclosure because they were an integral part of the course of the operation of a public agency. In so doing, the court rejected the argument that the Board was not mandated by law to provide student bussing. Because the Board had the power and authority under state law to provide bussing, once the Board chose to do so, the bussing of students became part of the operation of Atlanta’s city school system and therefore was a “legitimate function” of the Board. The court explained that if the Board itself had operated the busses, drivers’ personnel records would be subject to disclosure under the ORA. If a public entity could exempt its records from the ORA just by contracting its functions to a private entity, that would defeat the purpose of the ORA.

The court also rejected the argument that the more restrictive test under 42 U.S.C. § 1983 (authorizing private lawsuits for constitutional violations) for determining whether a private actor is a “state actor” should apply in the ORA context, explaining that the focus in “state actor” cases is on the nature of the actor, whereas in ORA cases the focus is on the nature of the function performed by the actor. Finally, the court rejected Laidlaw’s argument that the only records subject to disclosure were those minimal records that the contract required Laidlaw to provide to the Board, not its detailed employee personnel records. Noting that the contract also gave the Board the right to “approve the employment of all drivers” and required that operators have “good moral character, subject to Board approval,” the Court found that the Board would have to be able to obtain access to drivers’ personnel records beyond the minimal reports required by the contract. Thus, Laidlaw was also required to maintain the personnel records “on behalf of” the Board.

The Court then considered whether the personnel records were exempt from disclosure under O.C.G.A. § 50-18-72(a)(2), which exempts “[m]edical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy.” The court noted the existing Georgia caselaw holding that “properly construed, the section forbids disclosure to the general public from (public) records or files of any information which would invade the constitutional, statutory or common law rights of . . . privacy,” and outlined the balancing test derived from *Harris v. Cox Enterprises*, 256 Ga. 299, 302 (1986), and *Napper v. Ga. Television Co.*, 257 Ga. 156, 160 (1987). Under this test, the legitimate interest of the public in accessing information is balanced against the privacy rights of the individuals whose records are being requested. The court noted that the public has a legitimate interest in bus driver job performance, disciplinary actions, and accidents on the job, but drivers’ privacy rights may outweigh release for portions of records containing medical or other information, disclosure of which would constitute the tort of invasion of privacy. Therefore, the Court of Appeals remanded to the trial court to conduct in camera inspection of the records to determine which portions of the personnel files, if any, were exempt from disclosure.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Harris v. Cox Enterprises, Inc., 348 S.E.2d 448 (Ga. 1986)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: order releasing GBI investigative report upheld

**Topics:** [What is a Record?](#) · [Exemptions](#) · [Exemptions > Privacy](#) · [Exemptions > State matters](#) · [Civil Procedure > In camera inspection](#) · [Third Parties' Rights](#)

In *Harris v. Cox Enterprises, Inc.*, Cox Enterprises submitted a request under the Georgia Open Records Act (“ORA”) for the Georgia Bureau of Investigation’s (“GBI”) report on its investigation of the Georgia State Patrol and the minutes of an executive session of the Georgia Board of Public Safety. The Supreme Court of Georgia held that the ORA requires records in criminal investigations to be released if the investigation has been completed. Here, the Court explained that there was evidence to support that the investigation was completed, so the GBI report should be released. The Court further explained that an in-camera inspection of the executive session minutes was required to determine if the session was lawfully closed.

The Court then considered whether certain portions of the GBI report should be exempt from disclosure so as not to violate individual privacy rights and because other portions of the report were required by the federal government to be kept confidential. The Court explained that, although the public has a legitimate interest in governmental operations, “even when documents are found to be public records, and therefore open for inspection by the public, there may be some material contained therein which for competing public policy reasons are not subject to disclosure.” Accordingly, the ORA exempts certain records from disclosure, including “records that are specifically required by the federal government to be kept confidential [as well as] medical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy . . .” (citing O.C.G.A. § 50-18-72(a)).

With these principles in mind, the Georgia Supreme Court held that if certain materials ordered by the trial court to be disclosed are protected by federal statute, the ORA does not reach them. Regarding “invasion of personal privacy,” the Court looked to the Georgia state law tort of invasion of privacy which recognizes “the right of a person . . . to be free from unwarranted publicity . . . or the unwarranted appropriation or exploitation of one’s personality, the publicizing of one’s private affairs with which the public has no legitimate concern.” *Gouldman-Taber Pontiac, Inc. v. Zerst*, 213 Ga. 682, 683, 100 S.E.2d 881 (1957) (internal quotations omitted). However, the Court in *Harris* caveated that a privacy right does not limit “legitimate inquiry into the operation of a government institution and those employed by it,” *Athens Observer v. Anderson*, 245 Ga. 63, 66 (1980), and that information reflecting upon an individual’s performance of official duties would not be exempt from open records. The *Harris* Court further noted that the following factors are relevant to determine whether an interest in “personal privacy” should protect portions of public records from disclosure: whether the information is based on hearsay, whether it relates to the subject matter of the public record, and the remoteness in time of the events referred to in the record. The Court remanded to the trial court for an in-camera inspection of the relevant portions of the GBI report to determine whether disclosure would violate an individual’s right to privacy. Thus, *Harris* stands for the proposition that personal privacy rights and federal statutes may protect certain portions of public records

from disclosure, but that personal privacy interests does not protect information reflecting upon an individual's performance of official duties.

In 2018, in *Campaign for Accountability v. Consumer Credit Rsch. Found.*, 303 Ga. 828, 835, 815 S.E.2d 841, 847 (2018), the Georgia Supreme Court clarified that *Harris* was decided based on a previous version of the ORA that “expressly said that the only records not required to be disclosed were those ‘prohibited from being open to inspection by the public.’” In contrast, the current version of the ORA contains more exemptions to disclosure, and not all of the exemptions are mandatory prohibitions on disclosure (meaning the agency can choose whether or not to disclose the record).

*Special thanks to Allyson Veile, Esq, Andrew Fox, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Hoffman v. Oxendine, 268 Ga. App. 316 (2004)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed: Commissioner abused discretion in denying ORA request

**Topics:** [Agency Response](#)

Hoffman v. Oxendine was decided under a prior version of the ORA. Under the older version of the ORA, an agency was required to state the code section for the denial of access to public records (this requirement is still in place), and the agency could not expand or modify its denial by later adding additional exemptions or legal reasons for disclosure. This language is no longer in the statute. Relying the language of the law in place at that time, the Court of Appeals held that an agency could rely only on the legal authority specified in the response denying the request.

The second reason that the agency offered for the denial was that it was their general policy to not release investigation reports until the subject of the investigation had an opportunity to review the report and request a hearing. But in this case, that insurance investigation exemption did not apply because the subject of the investigation was given that opportunity and did not request a hearing. Consequently, the Court of Appeals agreed that the Insurance Commissioner's refusal to disclose the report could not be upheld as an authorized exercise of discretion.

## Institute for Justice v. Reilly, 830 S.E.2d 793 (Ga. App. 2019)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: dismissal upheld; General Assembly not subject to ORA

**Topics:** [What is an Agency?](#)

Institute for Justice v. Reilly presented the question of whether the Georgia General Assembly, and its various staff offices, counted as “offices” that were subject to the disclosure rules of the Georgia Open Records Act (“ORA”). The holding was a resounding no: all of the offices of the General Assembly are exempt from any ORA request.

The Institute for Justice (“the Institute”), a nonprofit public interest law firm, requested from a number of Georgia legislative staff offices records related to a 2012 statute that regulated the practice of music therapy. Under the ORA, all “agencies” have to produce public records, so long as those records are not exempted from disclosure by the ORA or other statute. The ORA adopts the definition of “agency” that is set forth in the Georgia Open Meetings Act, which includes “every state department, agency, board, bureau, office, commission, public corporation, and authority.” O.C.G.A. § 50-14-1(a)(1)(A) (emphasis added).

The Georgia Court of Appeals held that despite the plain meaning of the word “office” in the definition of “agency,” the Georgia General Assembly’s offices were exempt from the ORA. First, the court looked to the Georgia Supreme Court’s interpretation of the ORA’s predecessor, the Georgia “Sunshine Law,” which the Supreme Court found did not encompass the State Legislature. See *Coggin v. Davey*, 211 S.E.2d 708 (1975). The Institute argued that because the word “office” was specifically included in the definition of “agency” used by the current ORA, whereas the word “office” had not been included in the definition of covered entities under the “Sunshine Law,” that showed the requisite legislative intent to include General Assembly offices within the scope of the current ORA. The Court of Appeals disagreed, noting that the Georgia Supreme Court had held in *Harrison Co. v. Code Revision Com.*, 260 S.E.2d 30, 32 (Ga. 1979), that “the General Assembly, including its . . . offices, is not subject to a law unless named therein or the intent that it be included be clear and unmistakable.” The Court of Appeals therefore concluded that the mere inclusion of the word “office” in the ORA’s current definition of “agency” was not definitive enough to show that the General Assembly explicitly decided to subject its own offices to the requirements of ORA disclosure.

Second, the Institute argued that the enactment of O.C.G.A. § 28-4-3.1 showed that the Georgia Legislature intended to make the General Assembly subject to the ORA. This statute provides that “[c]ommunications between the Office of Legislative Counsel and the following persons shall be privileged and confidential: members of the General Assembly, the Lieutenant Governor, and persons acting on behalf of such public officers; and such communications, and records and work product relating to such communications, shall not be subject to inspection or disclosure under [the Open Records Act].” O.C.G.A. § 28-4-3.1. The Institute contended that the foregoing provision would be a “mere surplusage” if the General Assembly was already exempt from the Open Records Act. However, the Court of Appeals disagreed for two reasons: (1) OCGA § 28-4-3.1 exempted from disclosure both records and communications, making it more expansive than the ORA which only covers records, and (2), OCGA § 28-4-3.1 applies to the

Lieutenant Governor, who is not a member of the Georgia Assembly and whose records are therefore not exempt from the ORA.

Chief Judge McFadden dissented from the Court of Appeals majority opinion because, among other reasons, he would hold that the words “every state office” in the ORA’s current definition of “agency” were “clear and unmistakable” on their face so as to encompass the General Assembly.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Jersawitz v. Hicks, 448 S.E.2d 352 (Ga. 1994)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: SJ for clerk; no right to direct modem access

**Topics:** [What is a Record?](#) · [Searching for Records](#)

In Jersawitz v. Hicks, the Georgia Supreme Court held that the courts will not force governments to provide additional types of access to public records in different mediums, when the government already provides access to those records in other sufficient mediums. Plaintiff instituted a mandamus action, pursuant to the Georgia Open Records Act (“ORA”), to compel the Clerk of Fulton County to create a computerized database for real estate deeds such that the deeds could be accessed through a telephone modem on individuals’ personal computers. These records were already available to the public via computer tapes. The Supreme Court of Georgia reasoned that providing access to real estate deeds on computer tapes was sufficient to comply with the ORA’s requirement that government provide the public with “computer based or generated information.” The Court refused to interpret the ORA to require records to be provided in alternative formats not expressly dictated by the statute and affirmed the trial court’s denial of Plaintiff’s mandamus action.

*Special thanks to Allyson Veile, Esq, Andrew Fox, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Lebis v. State, 442 S.E.2d 786 (Ga. App. 1994)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed (criminal conviction)

**Topics:** [Exemptions](#) > [Law Enforcement/Investigation Records](#)

In *Lebis v. State*, Tremaine Jay Lebis (“Lebis”) sought to overturn his conviction of aggravated assault and possession of a firearm during the commission of a felony. On Appeal, Lebis enumerated thirteen errors, including the trial court’s failure to deny his request for the production of investigative notes. The Court of Appeals denied Lebis’ argument and affirmed the trial court’s ruling for three reasons.

First, the court in *Stevens v. State*, 247 S.E.2d 838 (Ga. 1978) held that no Georgia rule requires a district attorney to open his files to the attorney for the accused, nor is the accused entitled as a matter of right to receive copies of police reports and investigation reports made in the course of preparing the case against the client. Second, the Court of Appeals examined O.C.G.A. § 50-18-72(a)(4), which exempts “law enforcement” and “prosecutorial” documents from required public disclosure under Georgia’s Open Records Act (“ORA”). The Court found that “investigative notes” are not within this category because they are not “notes” and not “reports” that cannot be classified as police arrest, accident, or incidental reports. Because investigative notes do not meet this exception in O.C.G.A. § 50-18-72(a)(4), they are not authorized for release under the Georgia Open Records Act. Lastly, Lebis failed to identify the materiality or favorable nature of the evidence sought required under *Anderson v. State*, 406 S.E.2d 791 (Ga. App. 1991).

After concluding that the remaining 12 enumerated errors were without merit, the Court of Appeals affirmed the trial court’s denial of Lebis’ motion for a new trial.

*Special thanks to Kaylee Marcitto, Esq., and Gerald Weber, Esq. for preparing this summary.*

## McBride v. Wetherington, 199 Ga. App. 7 (1991)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: dismissal of inmate's ORA complaint

**Topics:** [Fees](#) · [Exemptions](#) > [Law Enforcement/Investigation Records](#) · [Attorney's Fees & Penalties](#)

In McBride v. Wetherington, an inmate filed a pro se complaint against a police chief for failure to provide the investigatory files with regard to the crimes for which he had been convicted. The police informed him that disclosure of the file was not required because there was continuing litigation in the case.

The police argued that the inmate failed to state a claim, that the court lacked subject matter jurisdiction since appellee was willing to supply the records to appellant upon payment of a copying fee in the total amount of \$2.50, and that the ORA does not authorize compensatory or punitive damages in actions brought to enforce the statute. The trial court granted the motion to dismiss “for all of the reasons asserted [in the motion to dismiss],” and ordered appellant to tender the \$2.50 copying charge to the police.

The inmate appealed and lost.

The ORA provides that the person in control of the public records requested shall have a reasonable amount of time to determine if the records are subject to access, such time not to exceed three business days. “[R]ecords of law enforcement ... agencies in any pending investigation ..., other than initial police arrest reports, accident reports, and incident reports” are exempt. Additionally, compensatory and/or punitive damages are not authorized by the ORA.

Several months after the initial request, when the inmate filed his complaint, the police determined that the records were at that time no longer exempt from disclosure and offered to provide copies of the records upon the payment by appellant of a copying fee of 25 cents per page. Thus, the total fee due from appellant for the disclosure he requests is \$2.50. There is no provision in the statute for the excusal of the payment of fees upon filing a pauper's affidavit, compare OCGA § 15-6-77(b)(4) and OCGA § 21-3-90(b), and we have located no case law which allows such an excusal.

## McFrugal Rental of Riverdale, Inc. v. Garr, 418 S.E.2d 60 (Ga. 1992)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Vacated & remanded

**Topics:** [The Act's Purpose & Intent](#) · [Fees](#)

In *McFrugal Rental of Riverdale, Inc. v. Garr*, plaintiff McFrugal Rental of Riverdale (“McFrugal”) submitted an Open Records Act (“ORA”) request for minutes of Riverdale City Council meetings, and for zoning maps and ordinances from the City of Riverdale. The City Manager responded that McFrugal could inspect the records upon payment of a \$13.62 per hour fee for an employee to supervise McFrugal’s inspection. The Georgia Supreme Court explained that the ORA allows agencies to charge a fee only where the request “involves an unusual administrative cost or burden,” and agencies must demonstrate that the fee is reasonable. The Court held that there was insufficient evidence to determine whether having an employee supervise McFrugal’s inspection of the requested records was necessary or whether the \$13.62 fee was reasonable. Accordingly, the Court remanded for further proceedings.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Media General Operations, Inc. v. St. Lawrence, 337 Ga. App. 428 (Ga. Ct. App. 2016)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: records within pending-prosecution exemption

**Topics:** [Exemptions](#) · [Exemptions > Law Enforcement/Investigation Records](#)

In *Media General Operations, Inc. v. St. Lawrence*, the Georgia Court of Appeals held that the “pending prosecution” exemption to disclosure (O.C.G.A. § 50-18-72(a)(4)) under the Georgia Open Records Act (“ORA”) applied when only the employees of an agency—not the agency itself—were the subject of pending prosecution.

The material facts in this case were undisputed. Matthew Ajibade was arrested and taken to the Chatham County Detention Center, where he later died while in the custody of Chatham County Sheriff’s Office (“CCSO”). At CCSO’s request, the Georgia Bureau of Investigation (“GBI”) and CCSO’s Internal Affairs Division (IAD) began their investigations of Ajibade’s death. During its investigation, IAD determined that there was criminal activity involved. CCSO then referred IAD’s reports to the district attorney for possible prosecution. Following the conclusion of GBI and IAD’s investigations, CCSO fired nine deputies for their roles in Ajibade’s death. In addition, the district attorney indicted two of the deputies and one private nurse at the detention center. After the indictments, a media company, Media General Operations, Inc. (“Media General”), submitted ORA requests to CCSO for records pertaining to Ajibade, including video footage, incident or arrest reports, and IAD investigation reports. CCSO, however, refused to provide any of the requested records, claiming exemption under O.C.G.A. § 50-18-72(a)(4). CCSO also claimed it never created incident or arrest reports. Media General renewed its requests, stating the exemption did not apply to records in the possession of an agency that is the subject of the pending investigation or prosecution. In response, Al St. Lawrence, in his capacity as sheriff of Chatham County, and Meg Heap, in her capacity as district attorney of Chatham County, filed this action for declaratory judgment, seeking a declaration that these records were exempt from disclosure under the “pending prosecution” exemption. The trial court entered judgment in favor of CCSO and the district attorney, finding that the exemption applied while the prosecution was still pending. The Georgia Court of Appeals, reviewing de novo for statutory construction, affirmed the trial court’s judgment.

The Georgia Court of Appeals began by noting it was undisputed that the video footage and IAD investigation reports were public records. The issue, then, was whether these records fell under the “pending prosecution” exemption. The court, in rejecting Media General’s argument that the exemption did not apply agencies subject to pending prosecution, found that it was only CCSO’s employees—not the sheriff himself or CCSO as a whole—that was the subject of the pending prosecution. In support of this finding, the court examined the definition of “agency” under O.C.G.A. § 50-18-70, which it found did not include employees of an agency. In the court’s view, “the correct reading of OCGA § 50–18–72(a)(4), and the one that is most natural and reasonable, is that the term ‘agency’ is not synonymous with ‘employee.’” In addition, the court observed that it was the agency personnel that investigated, fired, and referred the matter for possible prosecution.

The court also rejected Media General’s argument—which relied on *Irvin v. The Macon Telegraph Publishing Company*, 253 Ga. 43 (1984)—that CCSO could not exempt its public records by merely placing the files into exempt files for investigations and prosecutions. In doing so, the court distinguished *Irvin*—which involved requests for records of GBI investigations of state employees that had been placed in the employees’ personnel files—finding “unlike the instant case, [ ] no criminal actions were taken against any of the employees investigated and there was no ‘pending prosecution.’”

The court ultimately found that, while the requested records were exempt from disclosure while the prosecution was pending, the records would absolutely be subject to disclosure when the criminal prosecutions against the three defendants concluded.

*Special thanks to the students of Gerald Weber at Emory College of Law for preparing this summary.*

## Napper v. Georgia Television Co., 1987, 257 Ga. 156, 356 S.E.2d 640

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part & remanded

**Topics:** [Agency Response](#) · [Exemptions](#) · [Exemptions > Law Enforcement/Investigation Records](#) · [Appellate Review](#)

In *Napper v. Georgia Television Co.*, appellant George Napper, in his official capacity as Commissioner of Public Safety of the City of Atlanta refused the appellees, Georgia Television Company, The Atlanta Journal, the Atlanta Constitution, and ABC News, Inc., access to the investigatory case files compiled by the Task Force formed to investigate the Atlanta Child Murders. After being denied access to the files, appellees filed suit requesting an injunction to enjoin appellant's refusal to make the files open to public inspection.

In regards to the Atlanta Child Murders, one individual was convicted of two of the related murders: Wayne Williams. After Williams' conviction, the Commissioner of Public Safety of the City of Atlanta announced at a press conference that 22 other related cases, known as the Atlanta Child Murders, had been "cleared," meaning the investigations were concluded. The appellees sought access, through this lawsuit, to the investigative files concerning the two conviction cases and 21 other related cases. George Napper, appellant, refused to grant access to the other files, save for one, on the grounds that the files were related to open investigations during the pendency of a habeas-corpus petition filed by Wayne Williams.

The key issue was whether the case presents an exception to the rule that generally closed investigatory files should be disclosed while there is a real possibility Williams will be retried for the murder charges pursuant to his habeas corpus petition. Ultimately, the trial court did not err in ruling that the pendency of Williams' habeas-corpus petition does not justify a blanket non-disclosure of the files in the pattern and conviction cases because the investigations in those cases had concluded. The court held that once the trial has been held, the conviction affirmed on direct appeal, and any petition or petitions for certiorari denied, the investigatory file should be made available for public inspection. The court also determined that the trial court should have deleted from the subject documents, information obtained under a warrant authorizing a wire tap pursuant to OCGA 16-11-64(b)(8). Further, the invasion of privacy regarding personal information, such as criminal history record information, was warranted when weighing the privacy interests of the deceased with the interests of the public. Ultimately the interests of the public weighed in favor of disclosure. Therefore, the trial court did not err in refusing to order the deletion of the medical records of the victim, or other medical and mental-health information. However, the trial court did err in ordering disclosure of information which infringes on the privacy rights of various individuals concerning individuals who were investigated in the context of the case, but who ultimately were not charged with a crime. In that instance, the individual's privacy interest outweighed the public's need to access to the information.

*Special thanks to the students of Gerald Weber at Emory College of Law for preparing this summary.*

## Northwest Georgia Health System, Inc. v. Times-Journal, Inc., 461 S.E.2d 297 (Ga. App. 1995)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed (for newspaper)

**Topics:** [What is an Agency?](#)

In *Northwest Georgia Health System, Inc. v. Times-Journal, Inc.*, the Court determined that Northwest Georgia Health System, Inc. (“Northwest”), and its parent company Promina Health System, Inc. (“Promina”), both private nonprofit corporations, were subject to the Open Records Act. Northwest created several subsidiary hospital corporations, all of which received forty-year leases from various County Hospital Authorities, where Northwest’s subsidiaries would take over the operation of the hospitals from the Authorities “for the benefit of the general public.” Times-Journal, Inc. (“Times-Journal”), the publisher of The Marietta Daily Journal sued Northwest and Promina for declaratory and injunctive relief, asking the Court to declare that Northwest and Promina were subject to the Georgia Open Records Act (“ORA”). The Court held that because the records were maintained by Northwest “on behalf” of the Hospital Authorities, they were “public records” subject to disclosure under the ORA.

At the time of this case, OCGA § 50–18–72(c)(1) stated that “[a]ll public records of hospital authorities shall be subject to this article except for those otherwise excepted by this article or any other provision of law.” Additionally, “[p]ublic records’ shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency which are not otherwise subject to protection from disclosure.” OCGA § 50–18–72(c)(1). Therefore, since Northwest’s private subsidiaries operated the hospitals “on behalf” of the public Hospital Authorities, those records were considered public, and thus subject to disclosure under the ORA. Otherwise, public agencies could hide public records simply by transferring them to a private entity.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Parker v. Lee, 1989, 259 Ga. 195, 378 S.E.2d 677

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed & remanded: investigatory files must be disclosed despite possible retrial

**Topics:** [Exemptions](#) > [Law Enforcement/Investigation Records](#)

In *Parker v. Lee*, Byron Parker, appellant, filed suit under the Open Records Act, requesting injunctive relief compelling appellees, Douglas County Sheriff and District Attorney, to grant Parker access to criminal investigatory files regarding Parker's murder and rape conviction and his death sentence. On direct appeal of his conviction, the Georgia Supreme Court affirmed his murder conviction and death sentence, but reversed his conviction of rape. Pursuant to the reversal of the rape conviction, the state is free to retry Parker on that charge. Parker then filed a petition for habeas corpus regarding the validity of his murder conviction and death sentence. Parker asked appellees, the Sheriff and District Attorney of Douglas County to permit him to access investigatory files from his case. The Sheriff and District Attorney of Douglas County denied Parker access to the files. Parker then filed suit under the Open Records Act for injunctive relief in an attempt to access the files for his habeas corpus petition.

The lower court denied Parker's request for injunction on the grounds that Parker's indictment for rape is outstanding pursuant to *Napper v. Ga. Television Co.*, 257 Ga. 156, 160 (356 S.E.2d 640)(1987). The court distinguished *Napper* in that to justify non-disclosure of a public record, the law-enforcement proceeding must be an imminent adjudicatory proceeding of finite duration. Because appellees could not demonstrate that Parker's retrial for rape is imminent and of a finite duration, the Court determined this exception to the general provisions mandating disclosure under the Open Records Act did not apply.

The Georgia Supreme Court also disagreed with the lower court's determination that Parker had no right of access to the files prepared in his case because the public interest is not served by disclosure to a private individual, as opposed to a news organization. The Court reasoned that OCGA Section 50-18-70(b) provides that public records "shall be open for a personal inspection by any citizen of this state" and that "those in charge of such records shall not refuse this privilege to any citizen." The Georgia Supreme Court determined that the court in which Parker sought access to the investigatory files erred in concluding that the pending rape charge was a valid reason to prevent access to the files relating to the habeas petition for Parker's murder conviction and death sentence.

*Special thanks to the students of Gerald Weber at Emory College of Law for preparing this summary.*

## Powell v. VonCanon, 467 S.E.2d 193 (Ga. App. 1996)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part: remanded to set reproduction cost of computerized records

**Topics:** [The Act's Purpose & Intent](#) · [Fees](#) · [Conflicts of Law](#)

In *Powell v. VonCanon*, 467 S.E.2d 193 (Ga. App. 1996), Powell, a seller of compilations of public real estate records, sued a local commissioner, the tax commissioner, the tax assessor, and a superior court clerk (collectively, “the Defendants”) under the Open Records Act (“ORA”), seeking copies of public real estate records held in their offices. The parties all filed cross motions for summary judgment on the issue of what reasonable cost the Defendants may charge for the records. The Georgia Court of Appeals held that the commissioner, tax commissioner, and tax assessor are limited by O.C.G.A. § 50-18-71(d) and (f) to charging the actual cost of a computer disk or tape onto which the information is transferred as well as a fee for the administrative time involved, not including the first quarter hour and not to exceed the salary of the lowest paid full-time employee who has the necessary skill and training to perform the transfer. The Court further held that the superior court clerk is not limited to charging the same costs as the commissioner, tax commissioner, and tax assessor. Rather O.C.G.A. § 15-6-96 permits superior court clerks to contract to distribute records maintained by their officers for a profit. The Court explained that O.C.G.A. § 15-6-96 prevails over O.C.G.A. § 50-18-71 and any other part of the ORA to the extent that they conflict with the ability of superior court clerks to distribute records in their offices for profit.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Red & Black Pub. Co., Inc. v. Board of Regents, 427 S.E.2d 257 (Ga. 1993)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed as to records; reversed as to Organization Court proceedings (Open Meetings Act applies)

**Topics:** [What is an Agency?](#) · [Exemptions > University Records](#)

In *Red & Black Pub. Co., Inc. v. Board of Regents*, a student newspaper of the University of Georgia (“University”) sued the University Board of Regents (“Board”) for access to records from the University’s Organization Court, a student-led court created by the University’s Office of Judicial Programs to handle student discipline for rule-breaking by sororities and fraternities. The Board conceded the Organization Court’s records were “public records” under the Georgia Open Records Act (“ORA”), but claimed they were exempt from required disclosure under the ORA exceptions for records “[s]pecifically required by federal statute or regulation to be kept confidential” and “[m]edical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy.” The Board argued that both exemptions were triggered by the federal Family Educational Rights and Privacy Act (“FERPA”), which provides for the withholding of federal funds from colleges that have either a policy or practice of releasing educational records.

The Georgia Supreme Court disagreed with the Board, noting that the purpose of FERPA was “not to grant individual students the right of privacy,” but to control the careless release of records by educational institutions. The Court also expressed doubt about whether FERPA actually prohibits disclosure of records because it merely provides funding penalties for institutions that release them. [Note: To date, no college or university has ever lost federal funding for violating FERPA.]

The Court ultimately declined to rule on whether FERPA fulfilled the statutory exemption for records that are “[s]pecifically required by federal statute or regulation to be kept confidential,” because it held that regardless, the type of records sought by the Red & Black were not “educational records” within the meaning of FERPA. The Court reasoned that FERPA was meant to protect records “relating to individual student academic performance, financial aid, or scholastic probation,” and did not apply to student social clubs like sororities and fraternities. Supporting this conclusion was the fact that the records sought were maintained by the Office of Judicial Programs, whereas educational records were maintained by the Registrar’s Office. Additionally, FERPA provides that colleges cannot lose funding for releasing information in compliance with a judicial order. Because the trial court ordered the records released, there was no risk of triggering the withdrawal of funds. Therefore, the Court affirmed the order requiring the records to be released.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Richmond Cnty. Hosp. Auth. v. Se. Newspapers Corp., 252 Ga. 19 (1984)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: hospital authority subject to ORA; attorney-fee award upheld

**Topics:** [Filing a Request](#) · [Exemptions](#) · [Exemptions > Hospital Records](#) · [Attorney's Fees & Penalties](#)

In *Richmond Cnty. Hosp. Auth. v. Se. Newspapers Corp.*, a newspaper requested from the names, salaries, and job titles of hospital employees earning more than \$28,000 annually from the Richmond County Hospital Authority, as operators of University Hospital in Augusta.

The hospital refused to provide information. The trial court ruled that the hospital authority is subject to the ORA. The Supreme Court agreed.

The hospital argued that the records were exempt as “records that are specifically required by the federal government to be kept confidential or to medical records and similar files, the disclosure of which would be an invasion of personal privacy.” OCGA § 50–18–72. However, there was no evidence in the record that the records were confidential per federal law. The clause “personal privacy” is based on the tort of invasion of privacy and relates to the publicizing of an individual’s personal affairs, with which the public has no legitimate concern. Here, the public had a legitimate interest in the operation of the hospital and the salaries paid to those employed by it.

The hospital authority also argued that the public interest in disclosure is outweighed by benefits to the hospital accruing from non-disclosure, relying on an earlier case (*Athens Observer v. Anderson*, 245 Ga. 63, 65 (1980)), in which the Supreme Court had applied the balancing test to a report prepared by consultants to the University of Georgia evaluating the mathematical sciences programs there. Despite the sensitive and possibly critical nature of the report, the Supreme Court concluded that the asserted need for confidentiality to assure candid assessments by evaluators did not overcome the need for public access.

Here, the hospital argued that its position in a competitive market for personnel would be eroded by publication of salary figures, because highly qualified staff would be open to more lucrative offers to go elsewhere, thus lowering the quality of care. It is also submitted that morale and employee satisfaction would plunge if salaries were publicized. These arguments were speculative and were not supported by evidence.

Accordingly, the Supreme Court affirmed the trial court’s ruling granting access to the records and granting attorney’s fees and costs.

## Schick v. Board of Regents of University System of Georgia, 334 Ga. App. 425 (Ga. Ct. App. 2015)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part & remanded with direction

**Topics:** [Exemptions](#) > [Law Enforcement/Investigation Records](#) · [Attorney's Fees & Penalties](#)

In *Schick v. Board of Regents of University System of Georgia*, David Schick, the then editor-in-chief of the student-run newspaper of Georgia Perimeter College (“GPC”), made multiple Georgia Open Records Act (“ORA”) requests to the Board of Regents of the University System of Georgia (“Board”) and GPC, relating to GPC’s twenty-five million dollar budget shortfall that resulted in the layoff of 282 full and part-time GPC faculty and staff. The ORA request at issue sought from the Board “any” and “all” communications between or to various Board and GPC employees during time periods ranging from a few months to six years. The Board gave Schick an estimate of \$2,536.29 for the record request, claiming there were costs associated with review for “extraction because of an open investigation.” After months of disputing the amount, the Board reduced the estimate to \$291.

The Board then reviewed the requested records to redact and identify information it believed to be exempted from disclosure but did not provide Schick with any notice of a legal basis for withholding the documents, as required by O.C.G.A. § 50-18-71(d). The Board eventually provided Schick with approximately 12,195 pages of records, but Schick believed the records were not complete and filed the instant suit against the Board seeking the unproduced documents. The Board filed an answer to Schick’s complaint, citing—for the first time—O.C.G.A. § 50-18-72(a)(4) in support of withholding or redacting the records. Before trial, the Board provided Schick 713 pages of undisclosed documents. While the trial court found the Board violated O.C.G.A. § 50-18-71(d) by not providing a legal basis for withholding the records, the trial court concluded that the records were entitled to the exemption under O.C.G.A. § 50-18-72(a)(4). In addition, the trial court found the Board’s withholding of the 713 pages to be a violation of ORA but declined to award Schick attorney fees as it concluded the Board had substantial justification for its delay. On appeal, the Board argued that it was entitled to invoke the exemption under O.C.G.A. § 50-18-72(a)(4) even when it has merely “gathered and/or created” documents that are part of an investigation that involves criminal conduct.

The Georgia Court of Appeals first concluded that the Board’s documents did not fall under O.C.G.A. § 50-18-72(a)(4). The court reasoned that, under the plain language of O.C.G.A. § 50-18-72(a)(4), “records of law enforcement, prosecution, or regulatory agencies” did not include the Board’s “gathered and/or created” interpretation. Instead, the court found that the Board’s interpretation was clearly encompassed in O.C.G.A. § 50-18-72(a)(3). To include the Board’s interpretation of O.C.G.A. § 50-18-72(a)(4), the court reasoned, was to make O.C.G.A. § 50-18-72(a)(3) mere surplusage. The court remanded the case with direction that the Board disclose the records it withheld on the basis of O.C.G.A. § 50-18-72(a)(4). However, the court also indicated that the trial court could conduct in-camera proceedings to determine if a different ORA provision—invoked by the Board—exempted any of the withheld records.

The Georgia Court of Appeals also concluded that the trial court did not abuse its discretion in refusing to award Schick attorney fees for the Board's belated production of the 713 pages of records. The court reasoned that the Board's substantial justification for delay—under O.C.G.A. § 50-18-73(b)—must be based on the record as a whole. Ultimately, the court found that there was ample evidence to support the trial court's findings, including the late production was only six percent of the total records, the lack of evidence that the Board singled out these documents for delay, and the appearance of diligence by the Board and involved employees in fulfilling Schick's request. However, following the court's determination that the trial court erred by allowing the Board to withhold documents under O.C.G.A. § 50-18-72(a)(4), the court remanded the issue for the trial court to consider "whether Schick is entitled to attorney fees based on the Board's failure to disclose certain documents based on that exemption."

*Special thanks to the students of Gerald Weber at Emory College of Law for preparing this summary.*

## Schulten, Ward & Turner, LLP v. Fulton-DeKalb Hosp. Auth., 535 S.E.2d 243, 244 (Ga. 2000)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed

**Topics:** [What is a Record?](#) · [Agency Response](#) · [Searching for Records](#)

In *Schulten, Ward & Turner, LLP v. Fulton-DeKalb Hosp. Auth.*, the Georgia Supreme Court held that the Fulton-DeKalb Hospital Authority was not required to create a new compilation of certain medicare billing information that was not already in existence at the time of the plaintiff's request. The ORA requires that agencies allow the inspection of "all documents, papers, . . . computer based or generated information, or similar material prepared and maintained or received in the course of the operation of a public office or agency." However, the Court explained that the ORA does not require agencies to create new records in response to an open records request. Here, the Court held that the medicare billing information sought by the plaintiff was not in existence at the time of his request because producing that information would have involved a laborious process of retrieving and compiling it from microfiche or from the Authority's computer system. Thus, the information requested by the plaintiff was not a public record subject to disclosure under the ORA. The Court further held that, because the requested records did not exist at the time of the request, the Authority was not required to provide a written statement explaining why the plaintiff's request was denied. Therefore, *Schulten*, provides an example of what constitutes the creation of a new record under the ORA.

*Special thanks to Allyson Veile, Esq, Andrew Fox, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Smith v. DeKalb Cnty., 654 S.E.2d 469 (Ga. App. 2007)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: permanent injunction for Secretary of State

**Topics:** [What is a Record?](#)

In *Smith v. DeKalb Cnty.*, the Georgia Court of Appeals held that the DeKalb County Superior Court did not abuse its discretion in enjoining DeKalb County from disclosing electronic information housed in the Global Election Management System (“GEMS”). Pursuant to the Georgia Open Records Act (“ORA”), the plaintiff Smith requested that the DeKalb County Director of Voter Registrations and Elections produce CD-ROM(S) with a copy of the GEMS data, including ballot images and vote totals. The Secretary of State filed two temporary restraining orders (“TROs”) to prevent the data’s disclosure. The Court of Appeals affirmed the trial’s court’s order granting a permanent injunction. First, the Court of Appeals held that, because the Secretary of State is charged with the supervision of elections, he had standing to object to Smith’s open records request. Second, the Court of Appeals held that the GEMS CD-ROM is not a public record subject to disclosure because, under O.C.G.A. § 21-2-500(a), it is statutorily required to be kept under seal for at least 24 months after an election. Third, the Court of Appeals held that the county was not required to create a new version of the CD-ROM that excluded information that could compromise election security, such as passwords and encryption codes. Thus, Smith provides an example of when records are not “public records” under the ORA because they are prohibited from being disclosed under another statute. Smith further provides an example of when an agency does not have to create a new record not already in existence at the time of the request.

*Special thanks to Allyson Veile, Esq., Andrew Fox, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Smith v. Northside Hospital, Inc., 807 S.E.2d 909 (Ga. 2017) (Smith II)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed & remanded

**Topics:** [What is a Record?](#) · [What is an Agency?](#) · [Civil Procedure](#) > [Summary Judgment](#)

In Smith II, the Georgia Supreme Court grappled with the issue of whether certain records of Northside Hospital, Inc. (“Northside”), a private non-profit corporation that operated the Northside Hospital on behalf of the Fulton County Hospital Authority (“Authority”), were considered “public records” under the meaning of the Georgia Open Records Act (“ORA”). Smith sought financial records surrounding Northside’s acquisition of four privately-owned physician groups. He first sought them from the Authority, which responded that it did not possess those records, and then from Northside, which replied by stating that the records were not public, and thus not subject to disclosure under the ORA. The trial court, in a decision affirmed by the Georgia Court of Appeals in Smith I, concluded that the records were not public, as Smith could not show that Northside had acquired the physicians’ groups on behalf of the Authority. The Smith I court noted that the acquisitions were negotiated and executed solely by Northside, and that it did not seek the Authority’s approval or inform the Authority of its acquisition plans in advance. There was no evidence that any public officials participated in the acquisition negotiations, and it was undisputed that no public funds were used to finance the acquisitions.

In Smith II, the Georgia Supreme Court reversed and remanded in order for the trial court to make a factual determination as to whether the requested records were public under the ORA. The ORA defines public records as “all documents ... prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency[.]” OCGA § 50–18–70(b)(2). While Northside argued that the Authority operated purely as its landlord and that nothing Northside did was for or on behalf of the Authority, the Supreme Court disagreed. The Court found that the Authority, a public entity created by the government of Fulton County pursuant to the Georgia Hospital Authorities Law (“GHAL”), had incorporated Northside specifically for the purpose of operating the Authority’s assets and that the Authority had no employees of its own, with Northside’s board members and officers serving as Authority members. The Authority leased the Northside Hospital and other Authority assets to Northside for \$100,000 per year. The GHAL required the Authority to determine that the lease “will promote the public health needs of the community” and required the Authority to maintain “sufficient control over any [leased] project.” Moreover, annual renewals of the lease agreement stated that the Authority continued to affirm that Northside’s operations “promoted the public health needs of the community” and that the Authority “retained sufficient control” over Northside. In addition, Northside maintained all of the Authority’s records and stored those records in its own facilities. Thus, the Court found that “even if the Authority has no day-to-day involvement in the healthcare system’s operations, at least some of what Northside does is ‘on behalf of’ the Authority.” At a minimum, “Northside’s operation of the Leased Facilities is done on behalf of the Authority. How closely the transactions at issue [i.e., the purchase of the privately-owned physician groups] are tied to operating the Leased Facilities will determine whether documents are ‘public records.’” Thus, the Supreme Court remanded for the trial court to consider whether the records in question were sufficiently connected to the operation of the

Leased Facilities to constitute public records, and, if so, whether the records may nevertheless be withheld pursuant to a statutory exemption.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Smith v. Northside Hospital, Inc., 820 S.E.2d 758 (Ga. App. 2018) (Smith III)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** On remand: affirmed (incl. protective order for requester)

**Topics:** [The Act's Purpose & Intent](#) · [What is a Record?](#) · [What is an Agency?](#) · [Exemptions > Trade Secret](#) · [Civil Procedure > Discovery](#) · [Civil Procedure > Summary Judgment](#) · [Third Parties' Rights](#)

In Smith III, the Georgia Court of Appeals, consistent with the holding in Smith v. Northside Hospital, Inc., 807 S.E.2d 909 (Ga. 2017) (Smith II), remanded to the trial court in order to make factual determinations as to whether Northside Hospital, Inc.'s ("Northside") records requested by Smith were public records under the Georgia Open Records Act ("ORA"). Before remanding, the Court addressed Northside's contention that it should be allowed to depose Smith about the identity and motives of the person or entity on whose behalf Smith had made his ORA request. Northside conjectured that Smith was an agent of one of its business rivals, and that he was requesting trade secrets, which are normally exempt from disclosure under the ORA, that would be used against Northside if released. Smith countered that the purpose of the ORA is to allow any person or entity to request public records, and that the identity of the requestor is irrelevant.

The Smith III first noted that the Georgia Supreme Court has held that the right to request public records is held by the public as a whole, not by any particular person or entity. The court further explained that whether the records requested by Smith were trade secrets exempted from disclosure was a question of fact that turned on the nature of the records themselves, not the requestor's identity. A record is either a trade secret or not, regardless of whether the requestor is a business rival, an agent of the rival, or a wholly disinterested third party. The Smith III court therefore held that the trial court did not abuse its discretion in preventing Northside from deposing Smith about the identity of his employer.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Stone v. State, 571 S.2d 488 (Ga. App. 2002)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed (criminal conviction)

**Topics:** [The Act's Purpose & Intent](#) · [Exemptions](#)

In *Stone v. State*, plaintiff Stone was found guilty of speeding following a bench trial. On appeal, Stone argued, in part, that the Henry County Police Department violated the Open Records Act (“ORA”) and failed to provide timely access to documents that he needed to conduct his defense. The record is not clear as to when or what Stone received in response to his ORA request. The Georgia Court of Appeals explained that the ORA encourages public access to information, but access to records under the ORA is not based on one’s status as a criminal defendant. Thus, the Court held that any failure of the Police Department to respond to Stone’s ORA request does not affect his criminal proceeding, and a government agency’s compliance with the ORA is not “a prerequisite to the success of the State’s prosecution.”

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Strange v. Housing Authority of City of Summerville, 602 S.E.2d 185 (Ga. App. 2004)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part (SJ for housing authority)

**Topics:** [The Act's Purpose & Intent](#) · [Exemptions](#)

In *Strange v. Housing Authority of City of Summerville*, the Summerville Housing Authority (“Housing Authority”) sought a temporary restraining order against Lewis and Pat Strange to enjoin them from filing requests under the Open Records Act (“ORA”). The Stranges counterclaimed for ORA violations, and the Housing Authority amended its Complaint to withdraw its request to enjoin. Following the Housing Authority’s amendment, the trial court held that the Stranges’ counterclaim was moot because it read the counterclaim as only being based on the Housing Authority’s attempt to enjoin the Stranges from filing ORA requests, and granted summary judgment on the counterclaim to the Housing Authority. The Georgia Court of Appeals reversed and remanded, finding that the Stranges’ counterclaim was also based on prior alleged violations of the ORA by the Housing Authority and that there existed a factual dispute as to whether the Housing Authority had violated the ORA by not producing documents requested by the Stranges.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Theragenics Corp. v. Department of Natural Resources, 2000, 536 S.E. 2d 613 (Ga. App. 2000), aff'd, 545 S.E. 2d 904 (Ga. 2001)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Reversed (for Theragenics)

**Topics:** [The Act's Purpose & Intent](#) · [Agency Response](#) · [Exemptions > Trade Secret](#)

In *Theragenics Corp. v. Department of Natural Resources*, the Georgia Court of Appeals held, and the Georgia Supreme Court affirmed, that “[a] business entity does not lose the right to assert that material is a trade secret unless it does not make reasonable efforts to prevent disclosure to those to whom it is not otherwise legally required to divulge the information.” In this case, Theragenics Corp. (“Theragenics”) manufactured and sold radioactive “seeds” for use in cancer therapy. Theragenics was required to submit detailed information about its radioactive manufacturing operation to the Environmental Protection Division (“EPD”) of the Georgia Department of Natural Resources. Theragenics designated one-third of the information submitted to the EPD as containing proprietary information. International Brachytherapy, S.A. (“International”), a competitor of Theragenics, requested Theragenics’ files from the EPD under the Open Records Act (“ORA”). Theragenics asserted that additional files not previously designated to the EPD as proprietary did, in fact, contain trade secrets.

The court held that the ORA’s exemption from disclosure for trade secrets is not limited “to only those documents which were specifically identified as confidential at the time they were submitted to the government agency.” Theragenics’ documents were therefore protected from disclosure so long as the company attempted to prevent the disclosure of proprietary material to competitors or to the public. The EPD had the ultimate responsibility to review the Theragenics documents requested by International and determine whether they were subject to ORA disclosure.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Tobin v. Cobb County Board of Education, 604 S.E.2d 161 (Ga. 2004)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed: mandamus dismissed because ORA provides an adequate legal remedy

**Topics:** [The Act's Purpose & Intent](#) · [Civil Procedure](#) > [Mandamus](#)

In *Tobin v. Cobb County Board of Education*, the plaintiffs filed a petition for mandamus to compel the Cobb County Board of Education to permit inspection and copying of records from the Pebblebrook High School Chorus Booster Club. The Georgia Supreme Court explained that “neither mandamus nor injunctive relief can be employed where the petitioner has an adequate legal remedy.” Here, because the Georgia Open Records Act provides legal and equitable remedies for noncompliance, the lower court did not err in dismissing the petition for mandamus.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*

## Trammell v. Martin, 200 Ga. App. 435 (1991)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part with direction

**Topics:** [Fees](#) · [Civil Procedure](#) > [In camera inspection](#)

In *Trammell v. Martin*, Trammell requested “copies of all attorney fees billed to [the] county by Foster & Foster, P.C. for fiscal year ending 30 June, 1990.” The county agreed to comply but informed the requester that each bill would have to be reviewed by an attorney and that he would be charged a \$90 per hour for this service.

The requester sued, alleging that the attorney’s fees were unlawful. The trial court ruled the county could not charge any fees from attorneys for screening the requested documents. The trial court directed the requester to file another request with the county and ordered the county to comply with that request within ten days. The new request read: “Detailed statement of all billing to the County for legal services rendered by the law firm of Foster & Foster and any other billing to the County by any other person or firm for fiscal year ending June 30, 1990.” In response, the county filed with the court a set of documents containing 235 pages pertaining to bills submitted by Foster & Foster and another set of documents containing 5,364 pages for all other legal bills submitted to the county.

The copying charges for the Foster & Foster bills amounted to \$58.75 and the copying charges for the remaining bills amounted to \$2,231.89. Requester objected to the copying costs and a hearing was held to determine whether the county could charge the full amount. The trial court held that the county’s response to plaintiff’s second written request was a reasonable interpretation of the documents requested therein and that the requester had to pay the fee.

The requester appealed.

The requester argued that the county knew or should have known he did not want copies of indigent defense bills. However, the clear language of the second request asked for “any other legal billing to the County by any other person or firm....” Plus, requester had the right to avoid the copying charge by asking to inspect the documents. As the trial court noted in its judgment, the plaintiff ordered copies of the documents described in his request “rather than taking the route open to him under the law of inspecting the records and then selecting only those that he felt compelled to possess.” Because plaintiff requested the documents to be copied, the trial court did not err in ordering him to pay those copying costs.

The ORA requires an agency to “utilize the most economical means available for providing copies of public records.” Evidence was presented at the hearing that the county, in the regular course of business, compiled and published every six months a summary of the billings from attorneys for representation of adult indigent defendants. Billings for juvenile defendants were not included in the compilation. Although plaintiff’s request asked for a “detailed statement” of billings, insufficient evidence was presented to support a finding that the regularly prepared summary was not responsive to plaintiff’s request. No evidence was presented concerning the cost of copying the regularly prepared publication, though it would have undoubtedly cost considerably less than the charges the county sought to bill the plaintiff. Thus, the Supreme

Court reversed the portion of the judgment ordering the requester to pay the copying charges for the adult indigent defense billings and sent the case back to the trial court for the court to determine the most economical cost for providing that information to plaintiff.

The requester also argued that the trial court should have looked at the redacted records in camera to see if the county attorney had properly redacted the documents.

The ORA states that information which would otherwise be exempt from disclosure because of the attorney-client privilege may be obtained “in a proceeding under Code Section 50–18–73 to prove justification or lack thereof in refusing disclosure of documents ... provided the judge ... shall first determine by an in camera examination that such disclosure would be relevant on that issue....” However, the defendant did not refuse disclosure of requested documents. The evidence showed only that defendant wrongly planned to charge plaintiff for attorney time required to review the requested documents for information exempt from disclosure. The trial court corrected this violation by ruling plaintiff could not be charged for that service since it was not a charge authorized under OCGA § 50–18–71.

No issue of wrongful refusal to disclose documents is presented by this case and therefore the in camera inspection provision does not apply. The Supreme Court held that absent any specific objection to the exclusion of documents, the trial court is not required to inspect the documents produced in response to plaintiff’s request. Nothing in the ORA requires the trial court to make a supervisory review of records disclosed under the Act.

## Wallace v. Greene County, 618 S.E.2d 642 (Ga. App. 2005)

**Read the opinion:** [Westlaw](#) · [CourtListener](#) · [Caselaw Access Project](#)

**Outcome:** Affirmed in part, reversed in part & remanded: SJ reversed on requester's ORA attorney-fee claim

**Topics:** [The Act's Purpose & Intent](#) · [Agency Response](#) · [Exemptions > Personnel Records](#) · [Attorney's Fees & Penalties](#)

In *Wallace v. Greene County*, plaintiff Wallace was terminated from his position as Greene County's Buildings and Grounds Maintenance Superintendent. He filed suit against Greene County ("the County") alleging, in part, that it failed to respond to his Open Records Act ("ORA") request for a copy of his personnel file. After the lawsuit was filed, the County produced a full copy of Wallace's file, without charge, but his attorney refused to accept it. Notwithstanding, the Georgia Court of Appeals held that Wallace's claim against the County for production of the file was moot because the County had tried to produce it. The court further held that Wallace's claims for compensatory and punitive damages under the ORA were properly dismissed because the ORA does not permit recovery of those types of damages. Finally, regarding Wallace's claim for attorney's fees under the ORA, the court explained that Wallace first had to show that, even though the County had produced the requested personnel file, it had still violated the ORA by not producing the documents before Wallace had filed suit. Second, Wallace had to show that, if the County did violate the ORA, it lacked substantial justification for doing so. The court concluded that Wallace had satisfied the first prong because, in violation of the ORA, the County failed to respond to his written request for his personnel file within three business days either by producing the documents, providing a description of the documents and a timeline for when the documents will be produced, or notifying Wallace that access to the documents was denied and the legal grounds for thus. The Court remanded for a determination by the trial court as to the second prong regarding lack of substantial justification for the ORA violation.

*Special thanks to Alex Klein, Allyson Veile, Esq., Ashley Fox, Esq., and Clare Norins, Esq., for preparing this summary.*