

A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between "public records," which may include correspondence, office records, personnel records, etc., and "government publications," which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have "public records statutes," as referred to in the paragraph above?

Yes
 No

a. If "Yes," cite your state's public records statutes and the administrative regulations that supplement them.

O.C.G.A. 50-18-70 through O.C.G.A. 50-18-76 is the "Open Records Act."

O.C.G.A. 50-18-92 through O.C.G.A. 50-18-121 is the "Georgia Records Act."

There are no regulations, although the statutes for many of the individual state agencies have a section noting that the agency has to comply with the Open Records Act or the Georgia Records Act when requests for records are made.

b. If "No," skip this whole section.

Additional comments:

O.C.G.A. 50-18-70 combines record keeping requirements with freedom of information laws.

O.C.G.A. 50-18-90 through 50-18-121 is the Georgia Records Act, which addresses more specifically Georgia's record-keeping requirements and retention schedules.

2. The public records statutes/regulations apply to which of the following branches?

Executive
 Legislative (see note below)*
 Judicial (see note below)*
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

The term "agency" as used in the public records statutes has the same meaning as provided for in O.C.G.A. 50-14-1, which states that "agency" means every state department, agency, board, bureau, commission, public corporation, and authority. "Agency" in this context also includes any nonprofit organization to which there is a direct allocation of tax funds made by the governing authority of any agency (with some exceptions for entities such as hospitals and nursing homes).

*The statutes do not specifically include or exclude the legislative or judicial branches from the requirements of the public records laws. In 1982, the Attorney General stated that "[c]ertainly

nothing in the Act's definition of 'agency' suggested that this term covered the 'legislative' or 'judicial' (as opposed to 'executive') branches of government. To the contrary, application of the rule of construction, *ejusdem generis*, to the statutory definition 'any state office, department, division, board, bureau, commission, authority, or other separate unit of the state government' would seem to reflect a legislative intent to restrict the application of the Act to the 'executive' branch of state government." 1982 Ga. Op. Atty. Gen. 57. The Attorney General also noted that the retention schedule for records of a court still becomes effectual only with the concurrence of the Administrative Office of the Courts. See O.C.G.A. 50-18-92 (1998 and supp. 2001), which provides that each court *may* recommend a retention schedule to the State Records Committee, and the State Records Committee, *with the concurrence of the Administrative Office of the Courts*, shall adopt retention schedules (emphasis added). This language led the Attorney General to conclude that the Georgia Records Act applies conditionally to the courts of the State of Georgia.

The exemption of certain types of legislative work records (O.C.G.A. 50-18-72 (a) (8)) and of communications between the Office of Legislative Counsel and members of the General Assembly (O.C.G.A. 50-18-75) could lead one to reason that the public records provisions apply to other legislative records not specifically exempted. No case law or attorney general opinions support this proposition.

Additional comments:

3. Cite to public records statutes/regulations where "public record" is defined.

O.C.G.A. 50-18-70 (a) defines "public record." O.C.G.A. 50-18-91(5) defines agency "record."

Additional comments:

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Electronic records are mostly treated the same as other record formats. O.C.G.A. 50-18-70(a) includes computer based information within the definition of public record and O.C.G.A. 50-18-91(5) defines "record" as "all documents, papers, letters, maps, books (except books in formally organized libraries), microfilm, magnetic tape, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in performance of functions by any agency." However, *access* to electronic records receives specific attention in O.C.G.A. 50-18-70(g), which was added in 1990 to provide that "[a]t the request of the person, firm, corporation, or other entity requesting such records, records maintained by computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to nonrequested or nonavailable records." The main difference in subsection (g) is the requirement regarding the *means* by which computer-based records shall be made available: the statute requires that they be made available electronically, with specific

reference to Internet access. The preservation provisions are consistent regardless of the format of records.

Additional comments:

5. Do the public records statutes/regulations address retention of records?

Yes
 No

a. If "Yes," cite to and briefly summarize the retention provisions.

O.C.G.A. 50-18-94 gives each agency responsibility for the creation and preservation of records documenting the agency's work, plus establishing and maintaining an efficient records management program. This section also requires each agency to submit a retention schedule to the Division of Archives and History. No records will be scheduled for permanent retention in an office and records requiring retention for several years will be transferred to low-cost storage.

O.C.G.A. 50-18-91 defines "retention schedule" as a set of disposition instructions prescribing how long, where, and in what form a record series shall be kept.

O.C.G.A. 50-18-92 creates the State Records Committee, which reviews and approves retention schedules submitted by agencies, school boards, county governments and municipal governments. The schedules, once approved by the State Records Committee, have the effect of law.

O.C.G.A. 50-18-99 requires the Division of Archives and History to provide agencies with a list of common types of records along with recommended retention schedules.

b. If "Yes," also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Although some state agency rules and regulations address retention of electronic records, these provisions are aimed at the regulated entities rather than the authoring agency. For example, Georgia Department of Revenue Rule 560-1-1-.19 addresses the retention of electronic records by the *taxpayer* rather than by the agency.

The Department of Archives and History provides guidelines regarding the state agency responsibilities and liabilities for records retention. These guidelines emphasize the importance of retaining electronic records: "Agencies must realize that when they are creating their records management programs, all records, not just paper and microfilm records, should be included. Agencies must develop sound records retention policies for computer generated materials to ensure systematic implementation and to preclude a judicial finding of improper destruction of records." See "Records and Information Management: State Agencies Legal Duties and Liabilities under Georgia Law" at <http://www.sos.state.ga.us/archives/rms/src/sald.htm>.

Additional comments:

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

If "Yes," cite to and provide relevant language.

In *Griffin-Spalding County Hospital Auth. v. WKEU*, 241 S.E.2d 196 (1978), the Georgia Supreme Court found that the intent of the Open Records Act was to afford to the public at large access to public records, with certain exemptions. The court has also stated that the purpose of the Open Records Act is not only to encourage open access to government information in order that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions, but also to foster confidence in government through openness to the public. *Athens Observer v. Anderson*, 263 S.E.2d 128 (1980). Many of the cases construing the Open Records Act focus on what is exempted from disclosure.

The Open Records Act is designed to make existing records available to the public. It places no duty on the agency to create a record not already in existence at the time of the request, but concerns itself only with the records an agency actually creates. *Schulten, Ward, & Turner v. Fulton-Dekalb Hospital Auth.*, 535 S.E.2d 243 (2000).

In 1989, Georgia's Attorney General determined that information stored on magnetic tape or diskette is within the scope of the Open Records Act. The Attorney General noted a distinction between the compilation of computer stored information and the preparation of a new computer program designed to perform a series of operations to retrieve facts in a substantially different format. The former is within the Open Records Act and generally, the latter is outside its scope. 1989 Ga. Op. Atty. Gen. 72.

The Georgia Supreme Court held in 1994 that although a database was a public record within the meaning of the Open Records Act, the defendant clerk of court was not required to create a new program to provide public access with personal computers. *Jersawitz v. Hicks*, 448 S.E.2d 352, 353.

Additional comments:

The statutory language specifically states that records are to be kept according to their retention schedules and that no documents can be scheduled for permanent retention or for retention any longer than is absolutely necessary in the performance of required functions. O.C.G.A. 50-18-94 (5) (1998 and supp. 2002)

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes
 No

- a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

O.C.G.A. 50-18-93 (amended 2002) provides that it is the duty of the Division of Archives and History, under the direction of a state records management officer, to administer the state's records management program.

- b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

Additional comments:

8. Has any public records legislation/administrative regulation been proposed calling for "permanent public access" to electronic public records?

Yes
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under the public records statutes resulted from the state's failure to "permanently" maintain a public record?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

The case law uniformly addresses questions of "what is a public record" and "which public records are exempt from disclosure." The case law does not address a failure to maintain a record.

10. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under public records statutes/regulations.

B. FREEDOM OF INFORMATION ACT

A state's freedom of information act (or law) generally addresses public access to "public records." As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

Note: Because Georgia's public records and FOI laws are combined, many of the answers in this section repeat the answers set forth in the preceding section.

1. Does your state have a "freedom of information act," as referred to in the paragraph above?

Yes
 No

- a. If "Yes," cite your state's freedom of information act (or law) statutes and the administrative regulations that supplement them.

O.C.G.A. 50-18-70 through O.C.G.A. 50-18-76 is the "Open Records Act."
O.C.G.A. 50-18-92 through O.C.G.A. 50-18-121 is the "Georgia Records Act."

- b. If "No," skip this whole section.

Additional comments:

O.C.G.A. 50-18-70 combines record keeping requirements with freedom of information laws.
O.C.G.A. 50-18-90 through 50-18-121 is the Georgia Records Act, which addresses more record-specifically record-keeping requirements and retention schedules.

2. The freedom of information act statutes/regulations apply to which of the following branches?

Executive
 Legislative (see below)*
 Judicial (see below)*
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

The term "agency" as used in the public records statutes has the same meaning as provided for in O.C.G.A. 50-14-1, which states that "agency" means every state department, agency, board, bureau, commission, public corporation, and authority. "Agency" in this context also includes any nonprofit organization to which there is a direct allocation of tax funds made by the governing authority of any agency (with some exceptions for entities such as hospitals and nursing homes).

*The statutes do not specifically include or exclude the legislative or judicial branches from the requirements of the public records laws. In 1982, the Attorney General stated that "[c]ertainly nothing in the Act's definition of 'agency' suggested that this term covered the 'legislative' or 'judicial' (as opposed to 'executive') branches of government. To the contrary, application of the rule of construction, *ejusdem generis*, to the statutory definition 'any state office, department, division, board, bureau, commission, authority, or other separate unit of the state government' would seem to reflect a legislative intent to restrict the application of the Act to the 'executive' branch of state government." 1982 Ga. Op. Atty. Gen. 57. The Attorney General also noted that the retention schedule for records of a court still becomes effectual only with the concurrence of the Administrative Office of the Courts. See O.C.G.A. 50 18-92 (1998 and supp. 2001), which provides that each court *may* recommend a retention schedule to the State Records Committee, and the State Records Committee, *with the concurrence of the Administrative Office of the Courts*, shall adopt retention schedules (emphasis added). This language led the Attorney General to conclude that the Georgia Records Act applies conditionally to the courts of the State of Georgia.

The exemption of certain types of legislative work records (O.C.G.A. 50-18-72 (a) (8)) and of communications between the Office of Legislative Counsel and members of the General Assembly (O.C.G.A. 50-18-75) could lead one to reason that the public records provisions apply to other legislative records not specifically exempted. No case law or attorney general opinions support this proposition.

Additional comments:

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

O.C.G.A. 50-18-70 (a) defines “public record.” O.C.G.A. 50-18-91(5) defines agency “record.”

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

- a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.

Electronic records are mostly treated the same as other record formats. O.C.G.A. 50-18-70(a) includes computer based information within the definition of public record and O.C.G.A. 50-18-91(5) defines “record” as “all documents, papers, letters, maps, books (except books in formally organized libraries), microfilm, magnetic tape, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in performance of functions by any agency.” However, *access* to electronic records receives specific attention in O.C.G.A. 50-18-70(g), which was added in 1990 to provide that “[a]t the request of the person, firm, corporation, or other entity requesting such records, records maintained by computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to nonrequested or nonavailable records.” The main difference in subsection (g) is the requirement regarding the *means* by which computer-based records shall be made available: the statute requires that they be made available electronically, with specific reference to Internet access. The preservation provisions are consistent regardless of the format of records.

Additional comments:

5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

In *Griffin-Spalding County Hospital Auth. v. WKEU*, 241 S.E.2d 196 (1978), the Georgia Supreme Court found that the intent of the Open Records Act was to afford to the public at large access to public records, with certain exemptions. The court has also stated that the purpose of the Open Records Act is not only to encourage open access to government information in order that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions, but also to foster confidence in government through openness to the public. *Athens Observer v. Anderson*, 263 S.E.2d 128 (1980). Many of the cases construing the Open Records Act focus on what is exempted from disclosure.

The statutory language specifically states that records are to be kept according to their retention schedules and that no documents can be scheduled for permanent retention or for retention any longer than is absolutely necessary in the performance of required functions. O.C.G.A. 50-18-94 (5) (1998 and supp. 2002)

In 1989, Georgia's Attorney General determined that information stored on magnetic tape or diskette is within the scope of the Open Records Act. The Attorney General noted a distinction between the compilation of computer stored information and the preparation of a new computer program designed to perform a series of operations to retrieve facts in a substantially different format. The former is within the Open Records Act and generally, the latter is outside its scope. 1989 Ga. Op. Atty. Gen. 72.

The Georgia Supreme Court held in 1994 that although a database was a public record within the meaning of the Open Records Act, the defendant clerk of court was not required to create a new program to provide public access with personal computers. *Jersawitz v. Hicks*, 448 S.E.2d 352, 353.

Additional comments:

The Open Records Act is designed to make existing records available to the public. It places no duty on the agency to create a record not already in existence at the time of the request, but concerns itself only with the records an agency actually creates. *Schulten, Ward, & Turner v. Fulton-Dekalb Hospital Auth.*, 535 S.E.2d 243 (2000).

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

The case law uniformly addresses questions of "what is a public record" and "which public records are exempt from disclosure." The case law does not address a failure to maintain a record.

9. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under freedom of information act statutes/regulations.

C. PUBLIC ACCESS LAWS

The term "public access law" is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the "Free Public Access to the Code of Maryland Regulations Act," whose title alone explains much about its purpose.

1. Does your state have any "public access laws," as referred to in the paragraph above?

Yes
 No

- a. If "Yes," cite each of your state's public access law statutes and the administrative regulations that supplement them.
- b. If "No," skip this whole section.

Although there are no broadly applicable "public access laws," some code sections require a specific agency to provide "public access" to a particular type of government information. For example, O.C.G.A. 42-9-20.1 (1998) requires the State Board of Pardons and Paroles to develop and implement a system whereby any interested citizen can contact the board through an electronic calling system or by other means and receive information relating to persons who have been convicted of a felony, who have been paroled, and whose current addresses are within the State of Georgia.

O.C.G.A. 50-25-14, enacted in 1995, requires the Georgia Technology Authority to provide for the distribution in electronic format of legislative information, free of charge to public schools and public libraries. In 1996, the legislature added "Internet users" to the list of recipients. A related section, O.C.G.A. 28-3-24.1, requires the GTA to work with the General Assembly to develop a single Internet site for the Georgia General Assembly.

Additional comments:

2. For each public access law, specify the branches to which it applies.

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

- Yes
- No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

- Yes
- No

a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

- Yes

No

- a. If "Yes," cite to and briefly discuss the accessibility provisions.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

Yes

No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for "permanent public access" of electronic publications?

Yes

No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state's failure to "permanently" maintain a government publication?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to "permanent public access" of government publications under public access laws.

D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes

No

- a. If "Yes," provide the complete official name for the office and/or officer; cite to the statute giving that information.

The official name of the office is "Georgia Technology Authority." O.C.G.A. 50-25-1(a)

The official title of the CIO is "Chief Information Officer for the State of Georgia." O.C.G.A. 50-25-5.1(a)

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

The Georgia Technology Authority (GTA) was created in 2000 when the legislature amended O.C.G.A. 50-25-1 to replace GTA's predecessor agency, GeorgiaNet. GeorgiaNet was established in 1990. O.C.G.A. 50-25-4 sets forth the general powers of the GTA.

O.C.G.A. 50-25-5.1, enacted in 2000, created the position of the Chief Information Officer for the State of Georgia (CIO) and sets forth the CIO's powers and duties.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

Additional comments:

4. The office/officer has jurisdiction over which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

O.C.G.A. 50-25-1(b) specifically excludes agencies within the judicial branch.

O.C.G.A. 50-25-6 states that "agency" includes the governor, the General Assembly and each other state officer, department, departmental unit, board, bureau or commission expressly authorized by law to make rules and regulations.

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

O.C.G.A. 50-25-1, which sets forth the GTA's purposes and duties, addresses only electronic records and files and makes no mention whatsoever of print resources.

O.C.G.A. 50-25-14 requires the GTA to provide for the distribution in electronic format of legislative information, free of charge to Internet users, public schools and public libraries. The section was originally enacted in 1995, but the phrase "Internet users" was added in 1996.

Various code sections require other state entities to provide electronic publications to the GTA for distribution via the GeorgiaNet. For example, O.C.G.A. 50-13-9.1 requires each state agency to maintain a register of waivers and variances to that agencies regulations; these registers are to be posted on GeorgiaNet. Because of the role the GTA plays in helping state agencies to distribute their documents via GeorgiaNet, the GTA should play an important role in ensuring the archiving and preservation of these electronic documents.

Additional comments:

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

O.C.G.A. 50-25-1 (c) states that the purpose of the GTA is to provide for procurement of technology resources for online public access of public information maintained in electronic format. Paragraph 1 requires the GTA to fulfill this purpose in the best interest of the state in light of a number of listed factors, the first of which is the interest in providing ready access to public state information. It does not mention *permanency* or *archives* or *preservation*.

7. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

9. Has the office/officer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

Yes
 No

- a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

Pursuant to O.C.G.A. 50-25-5.1 (b)(4), the CIO's duties include submitting an annual and a three year technology plan, updated annually.

- b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

The GTA has currently published both a Strategic Plan at and a Strategic IT Plan on its Web site:

Georgia Technology Authority, *Strategic Plan* (January 16, 2001), available at http://www.gagta.com/pdfs/strat_plan.pdf

Georgia Technology Authority, *Georgia's Strategic IT Plan Version 1.0*, (undated, but posted on June 21, 2002), available at <http://www.gagta.com/pdfs/ITPlan.pdf>

- c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

- Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Although neither plan states specifically which branches it covers, O.C.G.A. 50-25-1(b) specifically excludes agencies within the judicial branch and O.C.G.A. 50-25-6 states that "agency" includes the governor, the General Assembly and each other state officer, department, departmental unit, board, bureau or commission expressly authorized by law to make rules and regulations.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes
 No

- a. If "Yes," cite to and provide relevant language of the plan.

Additional comments:

The plans do mention public access but fail to discuss or refer to permanent maintenance or archiving of state government information.

The Strategic Plan lists seven strategic goals, one of which is "to enable every point of access to the state to be a gateway that connects constituents to the services and information they need." p.9

The Strategic IT Plan mentions *public access* to electronic government information in several places; however, the plan does not refer to efforts to archive or otherwise make permanent this electronic government information.

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

Initiative #1 of the *Strategic IT Plan* is the "State Government Portal," which is envisioned as a universal access point to state government information and services. The plan asserts that the electronic architecture of this portal will enable Georgia to integrate its data and provide government information in a secure and personalized manner.

F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.
- b. If "No," skip this whole section.

Additional comments:

O.C.G.A. 50-5-51(5) gives responsibility to the Department of Administrative Services to make provision for and to contract for all state printing. This lack of centralized printing for state government documents makes collection of these documents by the depository more difficult and increases the chances of fugitive documents.

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state's use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?
- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

- Yes
- No

a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

- Yes
- No

a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

- Yes
- No

a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving “permanent public access” of government information?

- Yes
- No

a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

- Yes
- No

a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state’s official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.

Division of Archives and History of the Office of the Secretary of State. O.C.G.A. 45-13-40 (1990, amended 2002). Per the statute, this division "shall also be known as the Georgia Archives."

Director of the Division of Archives and History of the Office of the Secretary of State. O.C.G.A. 45-13-44 (1990, amended 2002).

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

Division of Archives and History: O.C.G.A. 45-13-40 to 45-13-43 (1990, amended by H.B. 247, 2002 Ga. Laws 749)

Director: O.C.G.A. 45-13-44 (1990, supp. 2001, amended by 2002 Ga. Laws 749)

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes
 No

- a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

See "Additional Comments."

Additional comments:

The Division's statutory authority for promulgating regulations comes not from the enabling statute (O.C.G.A. 45-13-40 to 45-13-43), but from O.C.G.A. 50-18-93 (2) (1998, amended by H.B. 247, 2002 Ga. Laws 749), which states that it shall be the duty of the Division to develop and issue procedures, rules, and regulations establishing standards for records management.

The only related provisions the author found in the Georgia Administrative Code are at Ga. Comp. R. & Regs. 590-10-2-.01 through 590-10-3-.03. These provisions address the duties of the Georgia Historical Records Advisory Board, which advises the Division on issues related to Georgia historical records.

4. The archive/archivist has defined responsibilities for which branches?

Executive

- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

O.C.G.A. 45-13-46 (1990, as amended by H.B. 482 in 2002 Ga. Laws 749) provides that "[a]ny state, county, or other official is authorized, in his or her discretion, to turn over for permanent preservation in the Department Division of Archives and History any official books, records, documents, original papers, manuscript files, newspaper files, portraits, and printed volumes not in current use in his or her office."

The duties of the Division regarding public records lead one to conclude that its jurisdiction regarding retention schedules applies only to the executive and administrative branches, conditionally to the judicial branch, and not at all to the legislative branch (see discussion at Question A-2 above).

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

The Division's objects and purposes are to ensure the retention and preservation of state records; provide a depository for official archives; collect data of all kinds bearing upon the history of the state; encourage the study of Georgia history.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to "permanent public access" of government information?

- Yes
- No

a. If "Yes," cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

b. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Although the code does not set forth powers/responsibilities relating to "permanent public access," it does provide for the "permanent preservation" in the Division of Archives and History of any official records, documents, etc. turned over by any state, county or other official. O.C.G.A. 45-13-46 (1990, as amended by H.B. 482 in 2002 Ga. Laws 749). Access over time is subject to the applicable retention schedule.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes
 No

a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

This affirmative answer is based on the statutory requirements set forth in the preceding question.

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The Division is cooperating with the Digital Library of Georgia, the University of Georgia, Emory University, Georgia State University, and the Southeastern Library Network (SOLINET) on digitization of Georgia Legislative Documents, including Acts and Resolutions and the Senate and House Journals from 1751 through today. This project is especially important because O.C.G.A. 2-5-2 (e) specifically exempts the session laws and the House and Senate journals from the depository requirements. For more about the Digital Library of Georgia, see section I (on the state depository laws) and section J (on cooperative arrangements).

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state's failure to "permanently" maintain government information?

Yes
 No

- a. If "Yes," briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes
 No

- a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

The Georgia Public Library Service, which is a unit of the Board of Regents of the University System of Georgia, performs many of the functions of a state library and is referred to as the state library. "The collection of books, periodicals, documents, and other library materials held by the board of regents [of the University System of Georgia] is designated as the State Library." O.C.G.A. 20-5-2(d) 2001).

- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.

The 2000 legislation naming the board of regents' collection as the State Library abolished the State Library Commission and turned over its functions and services to the board of regents. O.C.G.A. 20-5-2(d) (2001). This section lists the duties and authority of the board of regents as they relate to state library functions. In addition, 20-5-2 authorizes the director of the University of Georgia Libraries to perform many of the depository functions often assigned to a state librarian (see the discussion of the state depository in Section I below).

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes

No

- a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

4. The library/librarian has defined responsibilities for which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

O.C.G.A. 20-5-2 requires executive agencies (subsection (e)) and the Governor (subsection (g)), to submit copies of reports and/or documents to the director of the University of Georgia Libraries.

Additional comments:

5. Briefly discuss the functions of the library/librarian.

The Board of Regents advises and aids public libraries and administers the state's depository library program. O.C.G.A. 20-5-2.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

O.C.G.A. 20-5-2(m) states that any person or agency required to submit to the director of the University of Georgia Libraries copies of documents shall also submit such documents in electronic form if such electronic form is readily available.

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

The board of regents has provided funding for the GALILEO project, a portion of which provides for the permanent archiving of state government documents in electronic format since 1994. GALILEO is discussed in more detail in the next question.

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

A hugely successful project is the Georgia Library Learning Online (GALILEO) collection of databases on the World Wide Web, some of which are accessible publicly (others are accessible by password or via a subscription fee paid by an institution library). GALILEO is considered to be a "statewide virtual library." The number and type of databases available at a local public, school, or college library is determined by the subscription profile of the library. Remote access to some of the databases is available to all currently enrolled students, faculty, staff, and registered public library patrons at participating institutions. GALILEO was officially launched at University System of Georgia institutions on September 21, 1995 and subsequently made available at public and school libraries.

One of the earliest databases to be added to GALILEO was the Georgia Government Publications collection, which provides archiving and online access to state government publications, regardless of the format in which the documents were originally distributed. Non-electronic documents are digitized. See the discussion of the Georgia Government Publications database and the Georgia Digital Library in Section I (State Depository Library Laws) below.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

A brief mention of the State *Law* Library is warranted here. The State Law Library is a division of the Department of Law under the supervision of the Attorney General. O.C.G.A. 50-11-2 (1998). The Law Librarian's duties include furnishing such information and reports as the Attorney General requires (O.C.G.A. 50-11-3 (1998)), caring and maintaining the Department of Law's library materials (O.C.G.A. 50-11-4 (1998)), distributing federal depository materials to state libraries (O.C.G.A. 50-11-5 (1998)), and exchanging court reports with other states (O.C.G.A. 50-11-6 91998).

In addition, in 2000, the General Assembly enacted legislation requiring each local governing authority to codify its ordinances and *either* post the codification on the Internet *or* provide a copy to the State Law Library as the official state repository for such codifications. O.C.G.A. 36-80-19 (supp. 2001). Thus, it appears that the State Law Library's role as a repository is only for non-electronic codifications of ordinances, and any archiving of electronic versions is the responsibility of the local governments. The statute does not require such archiving.

I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a "depository library program," as referred to in the paragraph above?

Yes
 No

a. If "Yes," cite your state's depository library law statutes and the administrative regulations that supplement them.

O.C.G.A. 20-5-2 (2001).

There are no regulations.

- b. If "No," skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

O.C.G.A. 20-5-2 (m) (added in 2000) requires any person or agency who must submit documents to the director of the University of Georgia Libraries to also submit the documents in such electronic form as the director shall specify, if such electronic form is readily available in that electronic form.

- b. If "No," explain whether or not the statutes/regulations have been construed to cover electronic government information?

Additional comments:

The state documents depository program's administrators allow agencies to submit electronic documents via FTP in either Word, PDF or ASCII formats.

3. Do any depository library statutes/regulations assure "permanent public access" of electronic government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address "permanent public access"; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Although O.C.G.A. 20-5-2 does not specifically require the depository program to provide permanent access, the program's administrators have interpreted their role to include this archiving function. Their preservation efforts include the burning of CDs as a backup to the server containing the digitized and electronic state documents.

Additional comments:

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government information or acknowledge the state's responsibility to permanently maintain public records?

Yes

No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

As part of the GALILEO project, the depository program's administrators began in 1995 to design the interface and metadata for the "Georgia Government Publications database" (GGP) along with GALILEO programmers. The GGP went public on May 2, 1996 and was the first publicly available GALILEO database. As of May 2002, the GGP contained over 13,000 scanned images of paper documents and over 800 documents submitted electronically. The documents date from 1994 and are searchable by keyword, author, title, place of publication, call number, and text (OCR text).

Cataloging responsibilities for the GGP are shared by the University of Georgia Libraries and the Odum Library at Valdosta State University. The Digital Library of Georgia, at the University of Georgia Libraries, is responsible for digitization, *including file preservation*.

Additional comments:

6. Please determine the absolute number or percentage of titles:

5-10% Formerly distributed in print, now distributed exclusively in electronic format.

unable to determine Never before distributed, now distributed in electronic format.

Additional comments:

O.C.G.A. 20-5-2 still requires the agencies to submit at least five copies of public documents; the addition of subsection (m) in 2000 requires the agencies to *also* submit such documents in electronic form. Therefore, the number of documents distributed exclusively in electronic format is likely to remain low. Some agencies, including the Forestry Commission, have indicated a desire to distribute documents solely in electronic format.

Only a few agencies have notified the depository program that they produce no electronic documents.

Note: the GGP is also preserving documents that are submitted in neither print nor electronic format: the collection currently includes six videotapes which have been digitized and are accessible using RealPlayer.

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

Since the initial depository mailing in March 2001 advising agencies of their statutory obligation to submit electronic copies, over fifty percent of the agencies have responded. The mailing included a copy of the statutory provision and a bookmark with the GGP's URL. The GGP's site (<http://www.libs.uga.edu/govdocs/georgia.html>) provides agencies with easy instructions for obtaining the necessary passwords to FTP electronic documents to the GGP server. The program's administrators have also made it easier for the agencies by allowing submission in several formats. Many agencies now choose to submit their documents in PDF, which decreases processing time for the depository.

The program's administrators are committed to improving agency compliance with O.C.G.A. 20-5-2. They are:

- contacting every non-complying agency by telephone to explain the statute's requirements and the necessity for access and preservation (often, this contact is sufficient to bring an agency in compliance);
- contacting non-complying agency's Web masters; and
- taking every opportunity to demonstrate the GGP to agencies so they can better understand how their documents are used.

In addition to working to improve agency compliance, the GGP also attempts to identify and capture many electronic documents before they become fugitive e-documents. Librarians around the state have proved helpful in this regard by informing the GGP's administrators whenever they identify a state document on the Web that is not in the GGP database on GALILEO.

In addition to providing excellent access to the state government documents, the GGP is committed to preserving these documents, assuring *permanent* public access. The files are burned to CD, with "preservation CDs" burned every 5 to 10 years for back-up retrieval purposes.

Additional comments:

A funding crisis in the early 1990s prompted the Georgia legislature to turn over state depository library functions to the University of Georgia Libraries, which held the most complete collection of state documents at the time. This transition occurred at an opportune time, because the GALILEO initiative followed shortly thereafter, and the director of the University of Georgia Libraries had the vision to see the GALILEO project as an opportunity to provide both access and archiving functions for state documents, even those in print format. The director of the University of Georgia Libraries was instrumental in having subsection (m) added to O.C.G.A. 20-5-2, requiring submission of electronic documents, added to the code in 2000.

Contact information for the GGP database:

Georgia Government Publications (Susan Tuggle, Coordinator)
University of Georgia Libraries

Athens, GA 30602

Email: gadocs@arches.uga.edu

J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure "permanent public access." A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state's highest court relies on the state bar association to publish the court's decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes
 No

- a. If "Yes," describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

The Digital Library of Georgia (DLG), which is part of the state's GALILEO projects, defines itself as "an online collection of digitized library and historical materials related to the history and culture of the state of Georgia, and the organization that builds, maintains, and preserves those materials for ongoing access." The DLG facilitates cooperative ventures with other organizations and provides leadership for cooperative digital initiatives throughout the state. One of the DLG's Guiding Principles is to maintain and promote awareness and understanding of preservation of digital collections and to take steps throughout the life cycle of digital materials to ensure ongoing access and usability.

The DLG is mostly funded by the GALILEO project, the University of Georgia Libraries and other state sources.

The Georgia Government Publications described in section I above is one of the DLG's cooperative projects.

The DLG is cooperating with the Division of Archives & History, the University of Georgia, Emory University, Georgia State University, and the Southeastern Library Network (SOLINET) on digitization of Georgia Legislative Documents, including Acts and Resolutions and the Senate and House Journals from 1751 through today. This project is especially important because O.C.G.A. 2-5-2 (e) specifically exempts the session laws and the House and Senate journals from the depository requirements.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes

No

- a. If "Yes," describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

The University of Georgia Law Library archives and indexes briefs submitted to the Georgia Supreme Court. The briefs are currently in paper only.

Additional comments:

3. Does any state agency or other government entity secure "permanent public access" through any other type of cooperative arrangement?

Yes

No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If "permanent public access" is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.

Although the state depository program is currently committed very seriously to permanent public access to state documents through the Georgia Government Publications database, the legislation governing the program does not explicitly refer to this permanency. The language in O.C.G.A. 20-5-2 (m) requiring agencies to submit documents electronically in addition to the print documents otherwise required by the section might be interpreted by some agencies as not requiring submission to the depository of documents existing solely in electronic format. The statutory provisions also do not specifically cover documents issued in other formats, such as videotape. O.C.G.A. 20-5-2 (e) currently limits its definition of public documents to "the books, magazines, journals, pamphlets, reports, bulletins and other publications" of an agency. The code section should specify that documents of all formats, including electronic, video, and audio fall within the requirements of O.C.G.A. 20-5-2 and must be provided to the depository for permanent archiving and access.

- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for "permanent public access."

Additional comments:

Because of its role in promoting effective utilization of electronic resources throughout the state, the Georgia Technology Authority should explicitly promote "permanent public access" in its *Strategic IT Plan* and consult with the Depository Library program regarding standards for electronic agency documents. The GTA's contact with state agencies regarding posting of agency documents on the Web make the GTA ideally suited for assisting the depository program in ensuring compliance with O.C.G.A. 20-5-2 (m).

2. Discuss known failed efforts in your state to achieve "permanent public access"; how might new efforts succeed?

Additional comments:

L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

Georgia Technology Authority (Tom Wade, Acting State Chief Information Officer and GTA Executive Director)
100 Peachtree St., Ste. 2300
Atlanta, GA 30303-3404
Phone: (404) 463-2300
Fax: (404) 463-2380
<http://gta.georgia.gov/>

2. State Printer

N/A

3. State Archivist

Division of Archives and History (David Carmicheal, Director)
330 Capitol Avenue SE
Atlanta, GA 30334
Tel: (404) 656-2393
<http://www.sos.state.ga.us/archives/>

4. State Librarian and/or State Law Librarian

Georgia Public Library Service (Dr. Lamar Veatch, Assistant Vice-Chancellor/State Librarian)
1800 Century Place, Suite 150
Atlanta, GA 30345-4304
Phone: (404) 982-3560
Fax: (404) 982-3563
<http://www.public.lib.ga.us/>

State Law Library (Joelle Gresham, Law Librarian)
40 Capitol Square, SW
Atlanta, GA 30334-1300
Phone: (404) 656-3468
Fax: (404) 657-7283
<http://gsll.home.mindspring.com/>

5. State Attorney General (on freedom of information act issues, etc.)

Office of the Attorney General (Thurbert Baker, Attorney General)
40 Capitol Square, SW
Atlanta, GA 30334-1300
Phone for Open Government: (404) 656-7298 or 656-4168
Open Government page at http://www.ganet.org/ago/open_govt.html

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

GeorgiaNet at <http://www.ganet.org/>

2. State agency portal

GeorgiaNet at <http://www.ganet.org/> serves as a portal to all state agencies.

a. Does the portal have a searching capability similar to FirstGov?

Yes. Note that the GeorgiaNet site is hosted by the Georgia Technology Authority, which currently has a major project underway to develop a more sophisticated portal. See information relating to the state technology plan in Question E-4 above.

In addition to the GeorgiaNet site, the state provides a search screen allowing for boolean searching at <http://search.state.ga.us/>; unfortunately, this site is not easily reached from the GeorgiaNet home page.

3. Legislative website

<http://www.legis.state.ga.us/Legis/index.htm>

a. Does the website cover the current year only?

No. The site covers legislative sessions back to the 1995/1996 session.

b. Are services free or fee-based?

Access to bills (text and status), committee calendars and rosters, and live Webcasts of the House and Senate when in session are all available.

4. Judicial websites

Supreme Court of Georgia <http://www2.state.ga.us/courts/supreme/>

Court of Appeals of Georgia <http://www.appeals.courts.state.ga.us/>

Georgia Judicial Branch site (provides information about and links to Georgia courts)
<http://www.georgiacourts.org/>

5. Regulatory agency websites

Georgia's agencies can be accessed through GeorgiaNet at <http://www.ganet.org>.

See also the Georgia Technology Authorities directory of agencies at
<http://gist.gagta.com/statedeptheads.pdf>

Major agencies are listed here:

Georgia Department of Agriculture <http://www.agr.State.ga.us/>

Georgia Department of Education <http://www.doe.k12.ga.us/index.asp>

Georgia Insurance and Safety Fire Commissioner <http://www.gainsurance.org/>

Georgia Department of Labor <http://www.dol.state.ga.us/>

Georgia Department of Natural Resources <http://www.state.ga.us/dnr/>

Georgia Public Service Commission <http://www.psc.state.ga.us/>

Georgia Department of Transportation <http://www.dot.state.ga.us/>

6. Freedom of Information Service Hotline

- a. Does the state have an ombudsman for freedom of information act issues?

Not officially, but see the Georgia First Amendment Foundation (<http://www.mindspring.com/~gfaf/>), which advances the cause of open government and freedom of information through education and advocacy.

See also answer to "b" below.

b. Is the state attorney general's office the public's contact for freedom of information act issues?

O.C.G.A. 50-18-73 (a) (1998) gives the Attorney General the authority to initiate legal action to enforce the state's open records laws.

In 1997, the Georgia legislature amended Georgia's Open Meetings and Open Records acts to give the Attorney General's Office Department of Law the ability to help citizens and government agencies resolve their disputes without resorting to litigation. The office created an informal mediation program to help Georgia's citizens with questions or concerns about local government's decisions to close meetings to the public or governmental responses to Open Records requests. Upon receiving a complaint from a Georgia citizen, attorneys at the Department of Law work to ensure that local governments provide all the access to meetings and records that Georgia citizens are entitled to under the law.