

## O.C.G.A. § 50-18-99

### Copy Citation

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated   TITLE 50 State Government (Chs. 1 — 40)   CHAPTER  
18 State Printing and Documents (Arts. 1 — 7)   Article 5 State Records Management (§§ 50-  
18-90 — 50-18-103)**

### 50-18-99. Records management programs for local governments.

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**(a)** As used in this Code section, the term:

**(1)** "Governing body" means the governing body of any county, municipality, or consolidated government. The term includes school boards of this state.

**(2)** "Office or officer" means any county office or officer or any office or officer under the jurisdiction of a governing body which maintains or is responsible for records.

**(b)** This article shall apply to local governments, except as modified in this Code section.

**(c)** All records created or received in the performance of a public duty or paid for by public funds by a governing body are deemed to be public property and shall constitute a record of public acts.

**(d)** Prior to July 1, 1983, each office or officer shall recommend to the governing body a retention schedule. This schedule shall include an inventory of the type of records maintained and the length of time each type of record shall be maintained in the office or in a record-holding area. These retention periods shall be based on the legal, fiscal, administrative, and historical needs for the record. Schedules previously approved by the State Records Committee will remain in effect until changed by the governing body.

**(e)** Prior to January 1, 1984, each governing body shall approve by resolution or ordinance a records management plan which shall include but not be limited to:

**(1)** The name of the person or title of the officer who will coordinate and perform the responsibilities of the governing body under this article;

**(2)** Each retention schedule approved by the governing body; and

**(3)** Provisions for maintenance and security of the records.

**(f)** The Board of Regents of the University System of Georgia, through the division, shall coordinate all records management matters for purposes of this Code section. The division shall provide local

governments with a list of common types of records maintained together with recommended retention periods and shall provide training and assistance as required. The division shall advise local governments of records of historical value which may be deposited in the state archives. All other records shall be maintained by the local government.

**(g)** Except as otherwise provided by law, ordinance, or policy adopted by the office or officer responsible for maintaining the records, all records shall be open to the public or the state or any agency thereof.

## History

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Ga. L. 1972, p. 1267, § 11; Ga. L. 1973, p. 691, § 4; Ga. L. 1978, p. 1372, § 3; Ga. L. 1981, p. 1422, § 1; Ga. L. 2002, p. 532, § 30; Ga. L. 2013, p. 594, § 2-5/HB 287.

### ▼ Annotations

#### Opinion Notes

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##### **OPINIONS OF THE ATTORNEY GENERAL**

##### **Scope of phrase “any county office or officer.” —**

Term “office or officer” is defined to mean “any county office or officer or any office or officer under jurisdiction of a governing body which maintains or is responsible for records.” Excluding such court personnel as are listed in O.C.G.A. § **50-18-91**(2), the reference to “any county office or officer” would include all other county constitutional officers whether or not the officers are “under the jurisdiction” of the governing body of the officers’ county. 1981 Op. Att’y Gen. No. 81-65.

##### **Submission of schedules as prerequisite to their effectiveness. —**

Local record retention schedules must be submitted to the State Records Committee and approved pursuant to O.C.G.A. § 50-18-92 prior to having the force and effect of law. 1983 Op. Att’y Gen. No. U83-65.

##### **County constitutional officers,**

other than court personnel, must provide records retention schedules to governing bodies of the officers’ respective counties. 1981 Op. Att’y Gen. No. 81-65.

#### Research References & Practice Aids

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## RESEARCH REFERENCES

### **Am. Jur. 2d.**

66 Am. Jur. 2d, Records and Recording Laws, § 1.

### **C.J.S.**

76 C.J.S., Records, § 1 et seq.

### **Hierarchy Notes:**

O.C.G.A. Title 50

O.C.G.A. Title 50, Ch. 18

Official Code of Georgia Annotated

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**Content Type:** Statutes and Legislation

**Terms:** 50-18-91

**Narrow By:** custom: custom Sources: Official Code of Georgia Annotated

**Date and Time:** Jan 14, 2023 04:08:49 p.m. EST



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