

O.C.G.A. § 50-18-92

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**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)**

50-18-92. Creation of State Records Committee; membership; duties; retention schedules; appeal to committee by agency heads; court records.

(a) There is created the State Records Committee, to be composed of the Governor, the Secretary of State, the chancellor of the University System of Georgia, an appointee of the Governor who is not the Attorney General, the state auditor, and an officer of a governing body, as such terms are defined in subsection (a) of Code Section 50-18-99, to be appointed by the chancellor, or their designated representatives. It shall be the duty of the committee to review, approve, disapprove, amend, or modify retention schedules submitted by agency heads, school boards, county governments, and municipal governments through the division for the disposition of records based on administrative, legal, fiscal, or historical values. Except as provided in Code Section 50-18-96, the retention schedules, once approved, shall be authoritative, shall be directive, and shall have the force and effect of law. A retention schedule may be determined by four members of the committee. Retention schedules may be amended by the committee on change of program mission or legislative changes affecting the records. The chancellor of the University System of Georgia shall serve as chairperson of the committee and shall schedule meetings of the committee as required. Four members shall constitute a quorum. Each agency head has the right of appeal to the committee for actions taken under this Code section.

(b) Each court of this state may recommend to the State Records Committee and the Administrative Office of the Courts retention schedules for records of that court. The committee, with the concurrence of the Administrative Office of the Courts, shall adopt retention schedules for court records of each court. The destruction of court records by retention schedule shall not be construed as affecting the status of each court as a court of record.

History

Ga. L. 1972, p. 1267, § 3; Ga. L. 1975, p. 675, § 2; Ga. L. 1978, p. 1372, § 1; Ga. L. 1981, p. 1422, § 2; Ga. L. 1988, p. 426, § 1; Ga. L. 2000, p. 1410, § 1; Ga. L. 2002, p. 532, § 24; Ga. L. 2013, p. 594, § 2-4/HB 287; Ga. L. 2016, p. 791, § 1/HB 976.

▼ Annotations

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Authority of agency head. —

Agency head has direct supervisory control over the agency records management officer and, subject to the approval of the State Records Committee, direct control over the agency's records management program. 1975 Op. Att'y Gen. No. 75-84.

Application to courts. —

While language of 1981 amendment to O.C.G.A. § **50-18-92** conveys surface appearance of being obligatory, the retention schedule for records of a court still becomes effectual only with concurrence of the Administrative Office of the Courts. 1982 Op. Att'y Gen. No. 82-29.

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

Cross references.

Preservation and disposition of primary and election records of Secretary of State, § 21-2-52.

Maintenance and disposition of primary and election records of election superintendents, § 21-2-73.

RESEARCH REFERENCES

Am. Jur. 2d.

66 Am. Jur. 2d, Records and Recording Laws, §§ 1, 2, 39, 40.

C.J.S.

76 C.J.S., Records, §§ 1, 2.

Hierarchy Notes:

O.C.G.A. Title 50

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

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