

Senate Bill 400

By: Senators Martin of the 9th, VanNess of the 43rd, Millar of the 40th, Hill of the 6th,
Jackson of the 2nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to clerks of superior courts, so as to allow clerks to utilize vendors of their choice for
3 back-up records rather than the Georgia Superior Court Clerks' Cooperative Authority; to
4 provide for a definition; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
9 clerks of superior courts, is amended by revising Code Section 15-6-62.1, relating to back-up
10 records, as follows:

11 "15-6-62.1.

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

13 (1) 'Authority' means the Georgia Superior Court Clerks' Cooperative Authority.

14 (2) 'Back-up record' means an electronic copy of any record that a clerk of superior court
15 is required to create pursuant to Code Sections 15-6-61 and 15-6-62.

16 (3) 'Vendor' means:

17 (A) A public or private entity approved by the authority; or

18 (B) A public or private entity that the clerk of superior court has determined to have
19 expertise in the storage, retrieval, and recovery of digitally formatted records.

20 (b) A clerk of a superior court electing to record in digital format any record of which he
21 or she is the custodian shall maintain a back-up record in at least two ways:

22 (1) By the clerk permanently retaining the back-up record on the clerk's secure file
23 server, either controlled and operated by the clerk or personnel employed by the clerk or
24 provided for the exclusive benefit of the clerk's office through a contractual relationship
25 between the clerk and a ~~public or private entity~~ vendor for such purpose; and

26 (2) By the clerk submitting all digitally formatted records that the clerk is statutorily
27 authorized and required to archive with the authority or vendor for permanent archiving,
28 as set forth in subsection (c) of this Code section.

29 (c) The clerk of superior court shall submit the clerk's records to the authority or vendor
30 in a format acceptable to the authority or vendor at least monthly, but not later than the
31 fifteenth day following the last day of each month. Upon receipt of such records, the
32 authority or vendor shall permanently and securely maintain such records. Excluding
33 records to which the authority is required by law to provide online access, the authority or
34 vendor shall not provide access to or copies of records maintained by it to any person
35 requesting such records without the express written approval of the clerk of superior court
36 who originally maintained such records. All requests for access to such records shall be
37 made to such clerk."

38 **SECTION 2.**

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