

GORA 101

November 8, 2025



**SOUTHERN
ENVIRONMENTAL
LAW
CENTER**

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Policy

- “The General Assembly finds and declares that the strong public policy of this state is in favor of open government...
- The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay.
- This article shall be broadly construed to allow the inspection of governmental records.”

What is a “public record”?

- Basically any form of recorded information prepared, maintained, or received by an agency or a private entity performing a service or function of an agency.
- Agency: every political subdivision of the state’s agency, departments, board, commission, etc.

How do I request public records?

- You ask for them!
- The agency can designate a specific person to ask, check their website or call them.
- Some agencies have a form to request records.

What happens next?

- Agencies are supposed to respond within three business days.
- They may ask for clarification of the request.
- Or for you to pay a fee to access the records.
 - “an agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying cost”
 - “an agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents”
 - “the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request”

Withholding public records

- (34) Any **trade secrets** obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets...
- (46) Documents ... which **pertain to an economic development project** until the economic development project is secured by binding commitment, provided that any such documents shall be disclosed upon proper request after a binding commitment has been secured or the project has been terminated. ...the term "economic development project" means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than \$25 million by the business or the hiring of more than 50 employees by the business;

Considerations

- Who has (or might have) the information you want?
 - Data centers have to interact with several different agencies at different stages of the approval process.

- Scope of the request:
 - How broad or narrow?
 - Time-limited?

- Next steps or follow-up
 - There is no legal limit on how many requests you can send.
 - Do the documents you received indicate that there are other documents you want?

Resources

Georgia Code sections 50-18-70 – 50-18-78

Georgia First Amendment Foundation (gfaf.org)