

**IN THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY  
STATE OF GEORGIA**

ATHENS OBSERVER INC, &  
JOHN D. TOON,

Plaintiffs,

v.

ROBERT C. ANDERSON, &  
THE UNIVERSITY OF GEORGIA,

Defendants.

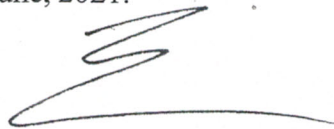
Case No. 32279

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CLARKE COUNTY, GEORGIA  
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**ORDER**

It is hereby ordered that Beverly Logan, Clerk of Superior Court Athens-Clarke County, Georgia or her lawfully appointed deputy, open the sealed envelope contained within her records of this matter and ascertain if it is a copy of the independent report commissioned by the then vice-president of research and the then Dean of the College of Arts and Sciences of the University of Georgia to evaluate the mathematical sciences programs at the university, including the Department of Mathematics, the Center for Applied Mathematics, and the Department of Statistics and Computer Science referenced in the Supreme Court of Georgia's Opinion in Athens Observer v. Anderson, 245 Ga. 63 (1980). If the envelope contains the aforementioned report, I hereby order that a copy of same be provided to Plaintiff John D. Toon through his attorney, David W. Griffeth.

**SO ORDERED**, this 16<sup>st</sup> day of June, 2021.



Honorable Eric Norris  
Chief Judge, Superior Court  
Western Judicial Circuit  
Athens-Clarke County

Order Prepared By:  
David W. Griffeth  
Attorney for Plaintiff John D. Toon  
State Bar No. 310600

*File Copy***SUPREME COURT OF GEORGIA**

ATLANTA, October 19, 1979

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

Athens Observer, Inc., et al. v. Robert C. Anderson et al.

It is ordered that sealed material submitted to this court in the above matter be opened as authorized by the judgment dated May 4, 1979, entered by Joseph J. Gaines, Judge, Superior Courts, Western Judicial Circuit, so that the appeal may be considered and decided.

**SUPREME COURT OF THE STATE OF GEORGIA,**

CLERK'S OFFICE, ATLANTA, October 19, 1979

I certify that the above is a true extract from the minutes

REPORT OF THE VISITING COMMITTEE TO  
REVIEW MATHEMATICAL SCIENCES  
AT THE UNIVERSITY OF GEORGIA

Committee Members:

Dr. Samuel D. Conte  
Head, Computer Science Dept.  
Purdue University

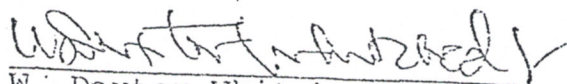
Dr. Irving Kaplansky  
Dept. of Mathematics  
The University of Chicago

Dr. Richard G. Krutchkoff  
Department of Statistics  
Virginia Polytechnic Institute

Dr. W. Dexter Whitehead (Chairman)  
Dean, Graduate School of  
Arts and Sciences  
Professor of Physics  
University of Virginia

December 20, 1978

Respectfully submitted,

  
W. Dexter Whitehead, Chairman  
On behalf of the Committee

REPORT OF THE VISITING COMMITTEE TO  
REVIEW MATHEMATICAL SCIENCES AT THE UNIVERSITY  
OF GEORGIA

The Visitation Committee to review the various departments and programs in the Mathematical Sciences at the University of Georgia assembled in Athens on November 16 and 17, 1978 and met with a number of administrators and faculty in the concerned departments on those two days. The Committee followed the attached interview schedule rather closely. All of the faculty members and administrators were most helpful and many were quite candid in their comments and gave us information and advice that was very beneficial in the accomplishment of our task.

This report will consist of two parts, a brief narrative portion giving our assessments of the Department of Mathematics, the Department of Statistics and Computer Science, and the Center for Applied Mathematics (although the Committee visited the Computing Center we felt an assessment of that operation was outside of our charge) and a portion giving our specific recommendations.

~~The Committee found two situations, one in Mathematics and one in Statistics, where either through administrative neglect or through a failure to follow reasonable academic procedures the academic programs had been seriously impaired. In one case, in~~



Statistics, it is clear that the Department has deteriorated because there has been no consistent program of faculty development. The senior departmental faculty is largely responsible for this, but closer attention to the well-being of the junior faculty by the Dean's Office could have averted this development. In the other, in Mathematics, an internal matter in Mathematics was exacerbated by the creation of the C.A.M. and by the failure to recognize that the appointment of a director who was not able to work effectively with the Mathematics Department would result in an intolerable situation.

The Mathematics Department. While it is perhaps unusual, it seems appropriate to begin with a brief preamble concerning topology. In four words: topology is modern geometry. It is not an exotic specialty; it has played a significant role in the development of much of twentieth century mathematics and has reached beyond mathematics as well. Its stature in the world of mathematics is attested by the frequent award of the Fields Prize to topologists. This international prize is often compared with the Nobel Prize and is equally hard to get, being awarded on the average once a year. In particular John Milnor (Institute for Advanced Study), Michael Atiyah (Oxford), and Jean-Pierre Serre (Paris) won Fields Prizes for their work in topology; they are generally considered to be near the top or perhaps at the very top among mathematicians in the U.S.A., Britain, and France.

When the Mathematics Department of the University of Georgia first developed its research strength in the 1950's it consisted virtually exclusively of topologists. Under suitable conditions, such a concentration may be a good idea. Nor was it unique at Georgia. To this day the highly regarded Mathematics Departments of NYU and Stanford are heavily weighted toward another subfield--analysis. But in any event it is quite out of date to refer to the Georgia department as a topology department. Here is our breakdown of today's department (assistant professor and up): 9 in topology and 6 each in algebra, analysis and applied mathematics. The difficulty of drawing a precise boundary between

fields introduces some ambiguity, but this breakdown is believed to be substantially accurate. It should be added that--naturally--nearly all the senior members of the Department are topologists.

We judge that the Department has built well during the past decade. It has achieved a reasonable stature that has made it attractive to these young mathematicians and has encouraged them to continue their research when here.

We interviewed virtually the entire faculty (assistant professor and up). We found a nearly unanimous feeling that the leadership of the Department is effective and evenhanded.

Like all mathematics department this one has a big teaching obligation. We were not able to investigate their performance firsthand. However, all reports that reached us indicate that they are discharging their teaching responsibility satisfactorily. A weak spot is the drop of the graduate student population to about 30. This is part of a national phenomenon. Perhaps it has now bottomed out.

The Center for Applied Mathematics. On July 1, 1976 the Center for Applied Mathematics came into existence. On the organization chart it is "orthogonal" to the Department of Mathematics, reporting to the Vice President for Research rather than the Dean of the College of Arts and Sciences. It has no teaching function and is solely a research vehicle. ~~We have doubts as to the wisdom of this decision.~~



Tension between pure and applied mathematicians is not peculiar to the University of Georgia. It is widespread and has had a long history in the 20th century. This is not the place to trace the history, try to assess the blame, or make any sweeping recommendations for improving the situation at Georgia or elsewhere. A number of different administrative vehicles have been tried at various universities, with varying degrees of success and failure.

In any event there is today an unfortunate degree of polarization in the mathematics community of the University of Georgia. We had lengthy interviews with all the people concerned, and we carefully studied the available documents. ~~It is our judgment that the present administrative setup and leadership of the Center are contributing significantly to this tension. It is furthermore our judgment that, unless changes are made, the university's goals are unlikely to be achieved.~~ We take it that these goals are a thriving program of research and teaching in applied mathematics--over a broad spectrum--and fruitful cooperation with the other parts of the university where mathematics is pertinent.

The Statistics and Computer Science. As background material for the visit the Committee was given a copy of the Evaluation of Graduate Degree Programs in the Department of Statistics and Computer Science, and many of the background



documents on which the evaluation was based, and an annual report of the Department. This Committee concurs in many of the opinions expressed in that evaluation and feels that the recommendations are sound.

We feel that the Department has not established a strong graduate program in Applied Statistics and has badly neglected the Computer Science program. The senior faculty and the chairman have shown no concern for the academic and intellectual development of the younger faculty and there have been no attempts to strengthen the faculty by senior appointments. The resources of the department, such as new positions, have not been effectively used and the department needs a complete overhaul if it is to fulfill the role that is necessary at the University of Georgia.

The lack of attention to the faculty has resulted in teaching loads that are too heavy, and internal (and unrecognized) consulting responsibilities that are very time-consuming. They do not have one-third time available for research, as is specified in their teaching load. Besides the teaching load there are heavy teaching responsibilities on the faculty concerning advanced and graduate courses, and there are not enough senior faculty members to staff a viable Ph.D. program in applied statistics.

The computer science program has a large undergraduate enrollment, and suffers from a benign indifference of the senior faculty. There is no one at the tenure rank who participates in this program which the Committee thought could better be characterized as a "computer methods" program rather than a computer science program.

We did not see a program of study to be followed by computer science students although there was a sequence of courses called statistics and computing. There was no curriculum that resembled the outline of computer science courses as presented in the ACM Curriculum Committee Report on Computer Science (first published in 1968 and revised in 1978).

## Recommendations

### Mathematics

We recommend that the department receive from the University administration appropriate encouragement and support. It is a reasonable expectation that it will then at least maintain its present stature; a gradual rise to a higher level is a distinct possibility.

### Center for Applied Mathematics

We recommend that a new Director should be sought for the Center and that the administrative status of the Center should be changed so as to place it within the Department of Mathematics, with the Director being responsible to the Chairman of the Mathematics Department.

### Statistics and Computer Science

We recommend that a new Chairman of Statistics be appointed as soon as feasible and that a number of new senior positions be made available to try to strengthen the graduate and

~~Research program:~~

a) We recommend that the department focus its efforts on applied statistics and that the number of full professors be increased from 2 to 5 or 6.

b) We recommend that the computer science program be strengthened by the addition of at least one senior faculty position in that area, and that it remain in the statistics department for the present.

General

We recommend that the major share of the responsibilities for the Mathematical Sciences remain with the presently constituted departments, and that an additional layer, such as a division of quantitative sciences should not be established.



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Athens Observer v. Anderson

**27 Citing cases**

## Shabazz v. Marchand

1:09-cv-1741-WSD (N.D. Ga. Sep. 29, 2009)

 Motion to dismiss  Con. Law - Municipal/Supervisory  Tort - Intentional 6 more...

The Open Records Act encourages public access to government information. See generally, Athens Observer Inc. v. Anderson, 245 Ga. 63 (1980). The Act provides:

## Unified Govt. v. Athens Newspapers

663 S.E.2d 248 (Ga. 2008) Cited 5 times

 Contract - Other**Holding that an investigation remains "pending" until the file is closed**

"Howard v. Sumter Free Press, 272 Ga. 521, 522 (1) ( 531 SE2d 698) (2000). See also McFrugal Rental of Riverdale v. Garr, 262 Ga. 369 ( 418 SE2d 60) (1992); Athens Observer v. Anderson, 245 Ga. 63 (2) ( 263 SE2d 128) (1980). Hence, we have recognized that "[b]ecause public policy strongly favors open government, any purported statutory exemption from disclosure under the Open Records Act must be narrowly construed."

## Corp. of Mercer Univ. v. Barrett Farahany

610 S.E.2d 138 (Ga. Ct. App. 2005) Cited 10 times

**Holding that a private college's campus police reports were not "public records" when no public office or agency expressly requested that the campus police perform a service or function on its behalf**

See Atlanta Journal v. Hill, 257 Ga. 398, 399 ( 359 SE2d 913) (1987). See Athens Observer v. Anderson, 245 Ga. 63, 66 (2) ( 263 SE2d 128) (1980); Griffin-Spalding County Hosp. Auth. v. Radio Station WKEU, 240 Ga. 444, 447 (3) ( 241 SE2d 196) (1978); Stone v. State, 257 Ga. App. 492, 494 ( 571 SE2d 488) (2002). Powell v. VonCanon, 219 Ga. App. 840, 842 (2) ( 467 SE2d 193) (1996).

## Tobin v. Cobb County Board of Education

278 Ga. 663 (Ga. 2004) Cited 5 times

 Con. Law - Due Process

The Open Records Act encourages public access to government information. See generally Athens Observer, Inc. v. Anderson, 245 Ga. 63, 66 ( 263 SE2d 128) (1980). The Act provides legal and equitable remedies to ensure compliance with its provisions.

## City of Atlanta v. Corey Entertainment, Inc.

278 Ga. 474 (Ga. 2004) Cited 10 times

 Tort - Privacy

Because public policy strongly favors open government, "any purported statutory exemption from disclosure under the Open Records Act must be narrowly construed." Athens-Observer, Inc. v. Anderson, 245 Ga. 63, 66 ( 263 SE2d 128) (1980). OCGA § 50-18-70 (b).

In re J.M



276 Ga. 88 (Ga. 2003) Cited 13 times 1 Legal Analyses

 Tort - Privacy

**Concluding that right to privacy guaranteed by Georgia's constitution is triggered by age of consent**

Pavesich v. New England Life Ins. Co., 122 Ga. 190 ( 50 S.E. 68) (1905).Powell, 270 Ga. at 330 (citing Athens Observer v. Anderson, 245 Ga. 63 ( 263 S.E.2d 128) (1980)).Powell, 270 Ga. at 330 (citing Gouldman-Taber Pontiac v. Zerbst, 213 Ga. 682 ( 100 S.E.2d 881) (1957) (punctuation omitted)).

## Stone v. State

571 S.E.2d 488 (Ga. Ct. App. 2002) Cited 11 times

**In Stone the arresting officer estimated the defendant's speed at 73 or 74 mph at 2:00 a.m. then confirmed it with radar.**

We agree with the trial court that Stone cannot tie any failure of the police department to timely comply with his request under the Open Records Act to the criminal procedure at issue here. The intent of the Open Records Act is to encourage public access to information and to promote confidence in government through openness to the public, Athens Observer v. Anderson, 245 Ga. 63, 66(2) ( 263 S.E.2d 128) (1980), and although a criminal defendant may have access to government records as a member of the public, the access is not based on his status as a criminal defendant. Accordingly, there is no basis for making a governmental unit's compliance with the Open Records Act a prerequisite to the success of the State's prosecution here.

## Powell v. State

270 Ga. 327 (Ga. 1998) Cited 72 times


 Tort - Privacy  Con. Law - Other 3 more...

**Holding Georgia's sodomy law unconstitutional only "insofar as it criminalizes the performance of private, unforced, non-commercial acts of sexual intimacy between persons legally able to consent"**

Id., at 198-199. In the ensuing years since Pavesich was decided and Georgia's right of privacy recognized, the Georgia appellate courts have expounded on the right of privacy, describing it as protection for the individual from unnecessary public scrutiny ( Athens Observer v. Anderson, 245 Ga. 63 ( 263 S.E.2d 128) (1980)); as the right of the individual "to be free from . . . the publicizing of one's private affairs with which the public has no legitimate concern" ( Gouldman-Taber Pontiac v. Zerbst, supra, 213 Ga. at 683); "the right to define one's circle of intimacy" ( Macon-Bibb County c. Auth. v. Reynolds, 165 Ga. App. 348, 350 ( 299 S.E.2d 594) (1983)); and the right "to be free of unwarranted interference by the public about matters [with] which the public is not necessarily concerned, or to be protected from any wrongful intrusion into an individual's private life which would outrage . . . a person of ordinary sensibilities." Georgia Power Co. v. Busbin, 149 Ga. App. 274 (6) ( 254 S.E.2d 146) (1979).

## Powell v. Voncanon





467 S.E.2d 193 (Ga. Ct. App. 1996) Cited 2 times

 Motion for summary judgment

Furthermore, we note that application of OCGA § 15-6-96 to the particular facts of this case does not contravene the overall purpose of the Open Records Act. "The purpose is not only to encourage public access to such 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, 245 Ga. 63, 66 (2) ( 263 S.E.2d 128) (1980). The computerized real estate records sought by VonCanon are already open to the public pursuant to OCGA § 50-18-70 (c), which requires any computerized index of county real estate deed records to be printed for public inspection no less than every 30 days. Allowing the Walker County superior court clerk to contract to earn a profit by providing a computer disk or tape containing this already public information in no way limits public access to the information.

# Doe v. Bd. of Regents

215 Ga. App. 684 (Ga. Ct. App. 1994) Cited 9 times

-  Tort - Privacy
-  Con. Law - Other
-  Colleges and Universities
-  Schools and Education

But "[t]he right of privacy, protectable in tort, . . . extends only to unnecessary public scrutiny." Athens Observer v. Anderson, 245 Ga. 63, 65 ( 263 S.E.2d 128) (1980). Quoting from earlier cases, the Supreme Court described this as matters "'with which the public has no legitimate concern.'"

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Athens Observer v. Anderson

**27 Citing cases****Mixon v. City of Warner Robins**

448 S.E.2d 377 (Ga. Ct. App. 1994) Cited 3 times

 Motion for summary judgment

Absent abuse, "[an] appellate court will not interfere with the trial court's exercise of its discretion and "(t)his policy is applicable to a trial judge's exercise of the broad discretion granted to him under the discovery provisions of the Civil Practice Act.'" [Cit.]" Boykin v. Preferred Risk Ins. Co., 164 Ga. App. 485 ( 297 S.E.2d 496) (1982). See Irvin v. Macon Tel. Pub. Co., 253 Ga. 43 ( 316 S.E.2d 449) (1984); Athens Observer v. Anderson, 245 Ga. 63 ( 263 S.E.2d 128) (1980). We have reviewed the files at issue, which are part of the record on appeal, and conclude that the trial court did not abuse its discretion in denying the motion to compel.

**Hackworth v. Board of Education**

447 S.E.2d 78 (Ga. Ct. App. 1994) Cited 9 times

 Tort - Privacy

**Holding that personnel records of school bus drivers, who were employees of a private company that contracted with Atlanta's Board of Education to provide bussing services, were "public records" when student transportation was a "legitimate function" and the responsibility of the Board, the private company was a tool used by the Board to carry out this responsibility, maintaining personnel records regarding the hiring and management of school bus drivers was an "integral part" of the Board's public functions, and the Board had the right to approve the employment of all drivers or to cause the company to remove them**

The finding that the documents sought are "public records" also supports the public policy of this state, which the legislature has expressed clearly in adopting the Open Records Act. Its "purpose is not only to encourage public access to such information [regarding the operation and responsibilities of public agencies] 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, 245 Ga. 63, 66 ( 263 S.E.2d 128) (1980). The public has a legitimate interest in the operation of student transportation, and in the drivers who carry out that public function. If access to the documents sought from Laidlaw is denied, the purpose of the Open Records Act would be frustrated.

**Mixon v. City of Warner Robins**

209 Ga. App. 414 (Ga. Ct. App. 1993) Cited 6 times

**In *Mixon*, *supra*, the only collision was between the fleeing suspect and the third party; on certiorari, the Supreme Court phrased the issue as whether the officer's duty to apprehend criminal suspects is paramount to his duty to other drivers, such that a suspect's "intervening act" of flight mandates the conclusion that as a matter of law no duty was owed by an officer to protect another driver from an injury which in fact was caused by the continuing pursuit.**

[Cit.]" Boykin v. Preferred Risk Ins. Co., 164 Ga. App. 485 ( 297 S.E.2d 496) (1982). See Irvin v. Macon Tel. Pub. Co., 253 Ga. 43 ( 316 S.E.2d 449) (1984); AthensObserver v. Anderson, 245 Ga. 63 ( 263 S.E.2d 128) (1980). Judgment affirmed.

**Red Black Pub. Co. v. Bd. of Regents**

262 Ga. 848 (Ga. 1993) Cited 28 times

### Holding that records relating to a student court were not education records

is not only to encourage public access to such information [so] . . . 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*, 245 Ga. 63, 66 ( 263 S.E.2d 128) (1980). The defendants concede, as they must, that the records of the Organization Court are "public records" that, unless exempted, are subject to inspection by the general public under the Open Records Act.

## McFrugal Rental of Riverdale, Inc. v. Garr

418 S.E.2d 60 (Ga. 1992) Cited 13 times

the purpose of the Open Records Act is to encourage public access to government information and to foster confidence in government through openness to the public. *Athens Observer v. Anderson*, 245 Ga. 63 ( 263 S.E.2d 128) (1980). There is no dispute that the records sought by McFrugal are public records as defined by the Act.

## Dortch v. Atlanta Journal c

405 S.E.2d 43 (Ga. 1991) Cited 18 times

 Tort - Privacy  Con. Law - Other 1 more...

We have held that the invasion of personal privacy encompassed by such exception is to be determined by an examination of the tort of invasion of privacy. *Athens Observer v. Anderson*, 245 Ga. 63 ( 263 S.E.2d 128) (1980). However, the exemption is not meant to exclude "legitimate inquiry into the operation of a government institution and those employed by it."

## Ga. Hosp. Assn. v. Ledbetter

396 S.E.2d 488 (Ga. 1990) Cited 9 times

 Motion for summary judgment  Tort - Privacy

OCGA § 50-18-72 (a) provides, in pertinent part, that the Open Records Act is not applicable to records "the disclosure of which would be an invasion of personal privacy." Under OCGA § 50-18-70 (a), such records are prohibited "by law" from being disclosed. It is nonetheless true that the privacy rights of the individual, protected by OCGA § 50-18-72 (a), must be tempered by the right of the public to be informed of matters of public concern, as recognized in *Athens Observer v. Anderson*, 245 Ga. 63 ( 263 S.E.2d 128) (1980), and *Harris v. Cox Enterprises*, 256 Ga. 299 ( 348 S.E.2d 448) (1986). However, OCGA § 50-18-70 (b)'s balancing test, and OCGA § 50-18-72 (a)'s limitation on public disclosure of records that would be an invasion of personal privacy, are two distinct inquiries.

## Board of Regents of the University System of Georgia v. Atlanta Journal & Atlanta Constitution

378 S.E.2d 305 (Ga. 1989) Cited 13 times

 Tort - Privacy  Colleges and Universities  Schools and Education

*Harris v. Cox Enterprises*, 256 Ga. 299, 301 ( 348 S.E.2d 448) (1986). See also *Athens Observer v. Anderson*, 245 Ga. 63, 65, 66 ( 263 S.E.2d 128) (1980): The right of privacy, protectable in tort, however, extends only to unnecessary public scrutiny.... We find nothing in the report which would give rise to an action for invasion of privacy.

## Atlanta Journal c. v. Long

259 Ga. 23 (Ga. 1989) Cited 4 times

 Tort - Privacy  Tort - Defamation



We construe[d] this clause as manifesting the intent of the General Assembly that reports which include the elements of the tort of invasion of privacy are to be exempted from the disclosure requirements of the Act. *Athens Observer v. Anderson*, 245 Ga. 63, 65 ( 263 S.E.2d 128) (1980). Thus, OCGA § 50-18-70 (a) grants trial courts extremely broad discretion in deciding what records it determines shall be closed in the first instance, and our interpretation of OCGA § 50-18-72 (2) specifically exempts records from disclosure if the trial court determines that they include elements of the tort of invasion of privacy.

Napper v. Ga. Television Co.

257 Ga. 156 (Ga. 1987) Cited 30 times

 Tort - Privacy  Con. Law - Other

**In Napper, the Georgia Television Company, d/b/a WSB-TV, and other news organizations were seeking access pursuant to the Open Records Act to the police investigatory files in the murder cases of Wayne Williams, see Williams v. State, 251 Ga. 749 (312 S.E.2d 40) (1983).**

" (Fn. omitted.) *Athens Observer, Inc. v. Anderson*, 245 Ga. 63, 65 ( 263 S.E.2d 128) (1980). The tort of invasion of privacy protects ""(t)he right of a person . . . to be free from unwarranted publicity, . . . or the unwarranted appropriation or exploitation of one's personality, the publicizing of one's private affairs with which the public has no legitimate concern.

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Athens Observer v. Anderson

**27 Citing cases****Macon c. Publishing Co. v. Board of Regents c**

350 S.E.2d 23 (Ga. 1986) Cited 9 times

 Motion for summary judgment  Motion to dismiss  Colleges and Universities  Schools and Education

**Holding that documents maintained by a private athletic association affiliated with a public university were "public documents" when the president of the university was responsible for controlling the intercollegiate program, the athletic association was used by university officials to carry out that responsibility, and the requested documents were under a university official's direction and control**

In *Houston v. Rutledge*, 237 Ga. 764, 765 ( 229 S.E.2d 624) (1976), we concluded that "documents, papers, and records prepared and maintained in the course of the operation of a public office are 'public records' within the meaning of [OCGA § 50-18-70]." Accord *Athens Observer, Inc. v. Anderson*, 245 Ga. 63 (1) ( 263 S.E.2d 128) (1980). In *Athens Observer* the issue was whether a report on the mathematical departments of the University of Georgia, which had been prepared by outside consultants at the request of the Dean of the College of Arts and Sciences, was a "public record" within the meaning of the Open Records Act.

**Harris v. Cox Enterprises, Inc.**

256 Ga. 299 (Ga. 1986) Cited 16 times

 Tort - Privacy  Diversified Media  Media

**In Harris, an agency refused to disclose requested records; on appeal, this Court affirmed the trial court's ruling that the records were not exempted from disclosure on the ground that there was an ongoing criminal investigation; and on motion for reconsideration, we remanded the case for the trial court to determine if any part of the records needed to be redacted because disclosing that information would be an invasion of personal privacy.**

The invasion of personal privacy encompassed as an exception to the right of the public to access is to be determined by an examination of the tort of invasion of privacy. *Athens Observer v. Anderson*, 245 Ga. 63 ( 263 S.E.2d 128) (1980). The *Athens Observer* case recognizes this protectable right as "the right of a person ... to be free from unwarranted publicity, ... or the unwarranted appropriation or exploitation of one's personality, the publicizing of one's private affairs with which the public has no legitimate concern."

**Bd. of Trustees et al. v. Miss. Publishers Corp.**

478 So. 2d 269 (Miss. 1985) Cited 19 times

 Con. Law - Other  Con. Law - Discrim. - Disabilities 3 more...

**Holding that Mississippi's equivalent of the OML did apply to regents**

Nevertheless, in a democratic society the public's business must be open to maintain the public's confidence in its officials, to make intelligent judgments, and to select good representatives. *Athens Observer Inc. v. Anderson*, 245 Ga. 63, 263 S.E.2d 128 (1980). *Open Meetings Law: An Analysis and a Proposal*, 45 Miss.L.J. 1151 at 1160 (1974).

**Irvin v. Macon Tel. Publishing Co.**

316 S.E.2d 449 (Ga. 1984) Cited 10 times

 Con. Law - Due Process



In **Irvin v. Macon Tel. Publishing Co.**, 253 Ga. 43, 45 (3) (316 S.E.2d 449) (1984), the Supreme Court of Georgia concluded that placement of the records of GBI investigations of several employees of the State Farmer's Market in Macon, Georgia, into the personnel files of the investigated employees did not automatically transform the investigation records into personnel records.

The State argues that public records are limited to "written memorials of completed acts, transactions, occurrences or events." We rejected "this view [a]s too narrow" in *Athens Observer v. Anderson*, 245 Ga. 63, 64 ( 263 S.E.2d 128) (1980). We adhere to our earlier definition of "public records" as contemplated by the Open Records Act, OCGA § 50-18-70.

Meyer v. Ledford

316 S.E.2d 804 (Ga. Ct. App. 1984) Cited 25 times

Motion for summary judgment

Tort - Defamation

Tort - Privacy

2 more...

**Holding that the defendant established the applicability of a conditional privilege under OCGA § 51-5-7 where the defamatory statement was given at the request of speaker's superior officer in the course of an official investigation concerning improper conduct by a fire department official**

[Cits.] It does not protect legitimate inquiry into the operation of a government institution and those employed by it." *Athens Observer, Inc. v. Anderson*, 245 Ga. 63, 65 ( 263 S.E.2d 128) (1980). The investigation into the alleged misconduct of Amerson, First Assistant Fire Chief, was a legitimate governmental function.

Richmond County c. v. Southeastern c. Corp.

252 Ga. 19 (Ga. 1984) Cited 15 times

Tort - Privacy

The right of privacy, protectable in tort, however, extends only to unnecessary, public scrutiny," such as unwarranted publicity, unwarranted appropriation or exploitation of one's personality, or the publicizing of one's private affairs with which the public had no legitimate concern. *Athens Observer v. Anderson*, 245 Ga. 63, 65 ( 263 S.E.2d 128) (1980); *Doe v. Sears*, 245 Ga. 83 (2) ( 263 S.E.2d 119) (1980). See also *Gouldman-Taber Pontiac, Inc. v. Zerbst*, 213 Ga. 682 ( 100 S.E.2d 881) (1957).

Atchison v. Hospital Authority of the City of St. Marys

265 S.E.2d 801 (Ga. 1980) Cited 4 times

Con. Law - Due Process

Code Ann. § 40-2701. *Athens Observer, Inc. v. Anderson*, 245 Ga. 63 (1980); *Doe v. Sears*, 245 Ga. 83 (1980); *Northside Realty Assoc., Inc. v. Community Relations Comm. of the City of Atlanta*, 240 Ga. 432, 434 ( 241 S.E.2d 189) (1978). The major thrust of the statute and cases cited above is that records of the nature of those in question here have been held to be public records and subject to the provisions of Code Ann. §§ 40-2701 and 40-2703.

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