

# Archives Advice No. 9

## Record Keeping Requirements for Records Stored in Georgia's County Offices

Considerations for County Government Officials

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Many of the state's most important records are stored in the county courthouses. Built as the center of a community, the courthouse is where local tax records, marriage records, estates, wills, and property deeds are maintained and cared for. Just as Georgia law places special requirements on the most important of state government's records, so too are there requirements for the maintenance and care of records stored in the county courthouse and other county buildings.

### What is the Law in Georgia?

- The Georgia Records Act (O.C.G.A. § 50-18-99(c) and 102) establishes the responsibility of local government to treat all public records as public property and to protect such records from alienation, alteration, theft or destruction.
- O.C.G.A. § 36-9-5 requires the secure and safe storage of specific county documents, such as tax records, property records, deeds, and wills.

### Safe Storage Requirements (O.C.G.A. § 36-9-5)

Specifically, O.C.G.A. 36-9-5 pertains to the following records:

- records which document property rights and ownership;
- records which document the latest valuation of property in the county;
- deeds; and,
- wills.

These records must be stored under safe and secure conditions, meaning:

- in a fireproof safe or vault;
- in fireproof cabinets;
- on microfilm pursuant to standards established by the Georgia Archives; or,
- in a location not more than 100 miles from the county in a data storage and retrieval facility.

These records must be maintained under safe and secure conditions

- at night, or
- any time when the county office is closed.

The local fire marshal must monitor county offices to ensure compliance with the provisions of this statute.



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Offsite storage may be required to meet the requirements of O.C.G.A. 36-9-5. If the county selects to store its records, the facility must meet all applicable standards of the National Fire Protection Association. In addition, the cost of transport and retrieval of these records in response to an Open Records Act request is the responsibility of the county.

Disaster planning and preparedness, while not mentioned as part of the statute, are key components in the preservation of these vital county records. Fireproof safes, vaults, and cabinets are typically rated by temperature and period of time exposed to temperature. They can provide adequate short-term protection from heat and flame but do not succeed in protecting the county's records from smoke, water, or insect damage.

Duplicating records (creating backups) and storing them offsite provides complete protection to the records in the event of a disaster. The Georgia Archives operates a security media storage vault where microfilm and other media backups can be stored in a secure, temperature-controlled environment. Such offsite storage provides the most effective protection for the county's records. The backup microfilm is safely stored (at no cost to the county) and may be retrieved in the event of a disaster to ensure the recovery of business operations.

For information on this and other services of the Georgia Archives, please call the Georgia Archives at (678) 364-3790.

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KAREN HANDEL, SECRETARY OF STATE  
DAVID W. CARMICHEAL, DIRECTOR