

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,	)	
	)	
v.	)	CRIMINAL ACTION No.
	)	23SC188947
HARRISON FLOYD,	)	
	)	
Defendant.	)	

PROTECTIVE ORDER

Whereas Defendant issued a subpoena for the production of documents and records (the “Subpoenaed Records”) to non-party Georgia Bureau of Investigation (GBI) in the above referenced criminal matter; and

Whereas certain of such Subpoenaed Records constitute or contain confidential or privileged information protected or exempted from disclosure under applicable law as privileged<sup>1</sup> and cannot be produced without redaction;

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<sup>1</sup> See, e.g., O.C.G.A. § 21-2-225(b)(month/day of birth, social security numbers, email addresses, driver’s license numbers, locations at which registered to vote); O.C.G.A. § 21-2-225(a)(voter registration application); 18 U.S.C. §2721(a); O.C.G.A. § 40-5-2(b)(driver’s license number); Sec. 7(b) of the Privacy Act, 88 Stat. at 2194, 5 U.S.C. 552a (Social security numbers); O.C.G.A. § 35-3-30 *et seq.*; 34 U.S.C. § 40301 *et seq.*; 28 C.F.R. § 20.33 (NCIC and GCIC databases restricted by law).

Whereas certain of such Subpoenaed Records contain confidential or privileged information protected or exempted from disclosure except under specific circumstances;

This Order shall govern the transfer and use of any data and information produced by the GBI in this litigation.

NOW THEREFORE, it is hereby ordered:

1. The Subpoenaed Records shall presumptively be subject to the provisions of this Order if they are prominently marked “CONFIDENTIAL” on each page containing information believed to be confidential, or in the event it is an electronic record not easily subject to designating particular pages, by so designating the electronic file.

2. Subpoenaed Records marked “CONFIDENTIAL” may only be disclosed to, and the information therein shared only with the State, Defendant, employees of GBI, the attorneys of record in this litigation, any employees of such attorneys as may be necessary, lay witnesses who are being questioned about or concerning covered documents or information, any expert witness retained by a party, and any court reporter, videographer, or similar person used in the discovery or trial process in this action, except that disclosure may be made to a person who is already aware of the documents or information (*e.g.*, an employee of the GBI or the Secretary of State’s office who created the specified document). It shall remain the

duty of counsel to reasonably ensure that any person to whom the confidential documents or information are disclosed observes the terms of this Order.

3. Documents marked “CONFIDENTIAL” hereunder shall be utilized only for purposes of this litigation, including appeals and related proceedings, and for no other purposes.

4. When a document marked “CONFIDENTIAL” hereunder is filed with the Court, the document containing the confidential information shall be filed under seal or with the confidential information redacted, following the Court’s applicable rules for such filing.

5. Inadvertent failure to designate a record or document as “CONFIDENTIAL” shall not constitute a waiver of such claim and may be corrected upon notice to the parties. Upon receiving such notice, the parties shall thereafter mark and treat the material as so designated, and such material shall be fully subject to this Order from the date of such supplemental notice forward and shall exercise its best efforts to ensure redaction, return or destruction of such material as is appropriate under the provisions of this Order.

6. If a party or non-party learns that, by inadvertence or otherwise, it has disclosed Subpoenaed Records designated as “CONFIDENTIAL” to any person or in any circumstances not authorized under this Protective Order, the party shall immediately notify the other parties and any producing/designating non-party in

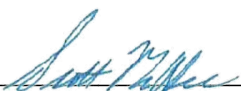
writing of the unauthorized disclosures, use its best efforts to retrieve all unauthorized copies of the protected material, and inform the person or persons to whom unauthorized disclosures were made of all the provisions of this order.

7. Within sixty (60) days after conclusion of this litigation and any appeal thereof, documents covered by this Protective Order and all reproductions of documents covered by this Protective Order shall be destroyed or returned to the producing party or non-party. If requested, counsel for a party shall also furnish a certificate of compliance that all documents covered by this Protective Order produced to that party have been destroyed.

8. Until such time as this Protective Order has been entered by the Court, the parties agree that, upon execution by the parties, it will be treated as though it has been “So Ordered.”

9. Any party may move the Court, after notice to the other parties, to modify or grant relief from any provision of this Protective Order.

So ORDERED this 2nd day of November, 2023.

  
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Hon. Scott McAfee  
Superior Court of Fulton County