

**FIRST DIVISION
BARNES, P. J.,
MCMILLIAN and MERCIER, JJ.**

NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules>

August 15, 2018

In the Court of Appeals of Georgia

A17A0620. CONSUMER CREDIT RESEARCH FOUNDATION v.
BOARD OF REGENTS OF THE UNIVERSITY SYSTEM
OF GEORGIA et al.

BARNES, Presiding Judge.

In Consumer Credit Research Foundation v. Bd. of Regents of the Univ. System of Ga., 341 Ga. App. 323 (800 SE2d 24) (2017), this Court construed *Bowers v. Shelton*, 265 Ga. 247 (453 SE2d 741) (1995) to mean that state agencies do not have the discretion to publicly release records covered by any of the specific exemptions to disclosure listed in OCGA § 50-18-72 (a) of Georgia's Open Records Act (the "Act"). Based on that construction of *Bowers*, this Court vacated the trial court's summary judgment order and remanded for the trial court to determine whether the records at issue in the case were covered by one or both of the specific statutory exemptions for materials related to academic research so as to bar disclosure of those

records. *Consumer Credit Research Foundation*, 341 Ga. App. at 329. See OCGA § 50-18-72 (a) (35) and (36).

The Supreme Court of Georgia granted certiorari, disapproved of this Court's interpretation of *Bowers*, and reversed the judgment of this Court. *Campaign for Accountability v. Consumer Credit Research Foundation*, __ Ga. __ (__ SE2d __) (Case Nos. S17G1676 and S17G1677, decided June 18, 2018). The Supreme Court held that OCGA § 50-18-72 (a) of the Act does not bar a state agency from publicly releasing records, unless the specific exemption listed in the statute that covers the records at issue expressly prohibits disclosure. *Campaign for Accountability*, __ Ga. at __ (2). Because the specific exemptions for materials related to academic research (OCGA § 50-18-72 (a) (35) and (36)) do not expressly prohibit disclosure, the Supreme Court held that the records at issue in this case are not subject to any prohibition against disclosure under the Act. *Campaign for Accountability*, __ Ga. at __ (4).

Accordingly, in light of the Supreme Court's decision, we vacate our prior judgment, adopt the decision of the Supreme Court as our own, and affirm the trial court's summary judgment order.

Judgment affirmed. McMillian and Mercier, JJ., concur.