

SUPREME COURT OF GEORGIA

Dep't of Labor v. McConnell, 305 Ga. 812

828 S.E.2d 352 (2019) · No. S18G1316; S18G1317 · Decided May 20, 2019

SUMMARY

The Georgia Supreme Court held that the Georgia Torts Claims Act waived the State's sovereign immunity for claims arising from a Department of Labor employee's disclosure of personal information within the scope of employment. The Court nevertheless affirmed dismissal because the complaint failed to state claims for negligence, breach of fiduciary duty, or invasion of privacy. The Court disapproved prior language recognizing a general duty owed by everyone to avoid subjecting others to an unreasonable risk of harm.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Boggs, Justice
JURISDICTION	Georgia
DECIDED	May 20, 2019
DOCKET	S18G1316; S18G1317
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Georgia Supreme Court granted certiorari to review the Court of Appeals' determination that sovereign immunity did not bar McConnell's claims and that the complaint failed to state a claim. The Supreme Court affirmed the Court of Appeals' judgment affirming dismissal of the complaint.
STANDARD OF REVIEW	De novo review of sovereign immunity and subject-matter jurisdiction issues and of the dismissal for failure to state a claim under OCGA § 9-11-12 (b) (6).
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Georgia Department of Labor, Thomas McConnell in S18G1317 v. Thomas McConnell in S18G1316, Georgia Department of Labor in S18G1317

TOPICS

invasion of privacy

negligence

subject matter jurisdiction

motions to dismiss

civil procedure

PRACTICE AREAS

torts

civil procedure

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether the Georgia Tort Claims Act waived the State's sovereign immunity for McConnell's tort claims arising from a state employee's conduct within the scope of employment.
2. Whether the complaint stated a negligence claim based on an alleged duty to safeguard personal information.
3. Whether the complaint stated a breach-of-fiduciary-duty claim under the Georgia Constitution's Trustee Clause or based on a confidential relationship.
4. Whether the complaint stated a claim for invasion of privacy through public disclosure of embarrassing private facts.

HOLDINGS

1. The GTCA waived the State's sovereign immunity from McConnell's tort claims because the claims arose from conduct by a state employee acting within the scope of employment and did not fall within an express statutory exception or limitation.
2. The complaint failed to state a negligence claim because McConnell did not establish that the Department owed a duty to protect the information against negligent disclosure.
3. The complaint failed to state a breach-of-fiduciary-duty claim because neither the Georgia Constitution's Trustee Clause nor the alleged submission of personal information to obtain government benefits established a fiduciary duty under the pleaded facts.
4. The complaint failed to state a claim for invasion of privacy through public disclosure of embarrassing private facts because the disclosed identifying information did not ordinarily affect reputation and was not alleged to be offensive and objectionable to a reasonable person of ordinary sensibilities.

KEY QUOTATIONS

"Accordingly, we hereby disapprove Bradley Center to the extent that it created a general legal duty "to all the world not to subject [others] to an unreasonable risk of harm."" (at 815-816)

"Each count of the complaint failed to state a claim upon which relief could be granted." (at 819)

FACTUAL BACKGROUND

The Georgia Department of Labor created a spreadsheet containing the names, Social Security numbers, telephone numbers, email addresses, and ages of 4,757 individuals who had applied for unemployment benefits or related services. Nearly a year later, a Department employee inadvertently emailed the spreadsheet to approximately 1,000 recipients without the individuals' permission. McConnell alleged that the disclosure

caused expenses for credit monitoring and identity-protection measures, anxiety, and potential credit impacts, but he did not allege that identity theft or unauthorized charges had actually occurred.

PROCEDURAL HISTORY

McConnell filed a putative class action against the Georgia Department of Labor alleging negligence, breach of fiduciary duty, and invasion of privacy based on the Department's negligent disclosure of personal information. The trial court dismissed the complaint on sovereign-immunity and failure-to-state-a-claim grounds. The Court of Appeals initially affirmed on the merits without deciding sovereign immunity; the Supreme Court vacated and remanded for a threshold sovereign-immunity determination. On remand, the Court of Appeals held that sovereign immunity was waived but affirmed dismissal for failure to state a claim, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- McConnell v. Dept. of Labor, 337 Ga. App. 457, 787 S.E.2d 794 (2016)
- McConnell v. Dept. of Labor, 302 Ga. 18, 805 S.E.2d 79 (2017)
- Dept. of Transp. v. Montgomery Tank Lines, 276 Ga. 105, 575 S.E.2d 487 (2003)
- Upper Oconee Basin Water Auth. v. Jackson County, 305 Ga. App. 409, 699 S.E.2d 605 (2010)
- Rasnick v. Krishna Hospitality, Inc., 289 Ga. 565, 713 S.E.2d 835 (2011)
- Bradley Center, Inc. v. Wessner, 250 Ga. 199, 296 S.E.2d 693 (1982)
- Lowry v. Cochran, 305 Ga. App. 240, 699 S.E.2d 325 (2010)
- Underwood v. Select Tire, Inc., 296 Ga. App. 805, 676 S.E.2d 262 (2009)
- City of Columbus v. Georgia Dept. of Transp., 292 Ga. 878, 742 S.E.2d 728 (2013)
- Bullard v. MRA Holding, LLC, 292 Ga. 748, 740 S.E.2d 622 (2013)
- Cottrell v. Smith, 299 Ga. 517, 788 S.E.2d 772 (2016)
- Dortch v. Atlanta Journal, 261 Ga. 350, 405 S.E.2d 43 (1991)
- Cumberland Contractors, Inc. v. State Bank & Trust Co., 327 Ga. App. 121, 755 S.E.2d 511 (2014)
- Walker v. Walker, 293 Ga. App. 872, 668 S.E.2d 330 (2008)
- Zieve v. Hairston, 266 Ga. App. 753, 598 S.E.2d 25 (2004)
- Deal v. Coleman, 294 Ga. 170, 751 S.E.2d 337 (2013)