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\*\*\* Statutes current through 2014 legislation \*\*\*

GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. Ann. Code art. GP, § 4-101 (2014)

§ 4-101. Definitions

(a) In general. -- In this title the following words have the meanings indicated.

\*\* REVISOR'S NOTE

This subsection formerly was SG § 10-611(a).

\*\* REVISOR'S NOTE

The only changes are in style.

- (b) Applicant. -- "Applicant" means a person or governmental unit that asks to inspect a public record.
- \*\* REVISOR'S NOTE

This subsection formerly was SG § 10-611(b).

\*\* REVISOR'S NOTE

No changes are made.

\*\* DEFINED TERMS:

"Person" § 1-114

\*\* DEFINED TERMS:

"Public record" § 4-101

\*\*

- (c) Custodian. -- "Custodian" means: \*\*
  - (1) the official custodian; or \*\*
  - (2) any other authorized individual who has physical custody and control of a public record.

REVISOR'S NOTE

This subsection formerly was SG § 10-611(c).

## **REVISOR'S NOTE**

No changes are made.

"Official custodian" § 4-101

"Public record" § 4-101

\*\*

(d) Official custodian. -- "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

## REVISOR'S NOTE

This subsection is new language derived without substantive change from former SG § 10-611(e).

"Political subdivision" § 4-101

"Public record" § 4-101

"State" § 1-115

\*\*

- (e) Person in interest. -- "Person in interest" means: \*\*
- (1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit; \*\*
  - (2) if the person has a legal disability, the parent or legal representative of the person; or \*\*
- (3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

# **REVISOR'S NOTE**

This subsection formerly was SG § 10-611(f).

## **REVISOR'S NOTE**

No changes are made.

"Person" § 1-114

"Public record" § 4-101

\*\*

- (f) Personal information. -- \*\*
  - (1) "Personal information" means information that identifies an individual. \*\*

(2) Except as provided in § 4-355 of this title, "personal information" includes an individual's: **
(i) name; **
(ii) address; **
(iii) driver's license number or any other identification number; **
(iv) medical or disability information; **
(v) photograph or computer-generated image; **
(vi) Social Security number; and **
(vii) telephone number. **
(3) "Personal information" does not include an individual's: **
(i) driver's status; **
(ii) driving offenses; **
(iii) five-digit zip code; or **
(iv) information on vehicular accidents.
REVISOR'S NOTE
This subsection is new language derived without substantive change from former SG $\S$ 10-611(g).
DEFINED TERM:
"Includes" § 1-110
**
(g) Political subdivision "Political subdivision" means: **
(1) a county; **
(2) a municipal corporation; **
(3) an unincorporated town; **
(4) a school district; or **
(5) a special district.
REVISOR'S NOTE
This subsection formerly was SG § 10-601.
REVISOR'S NOTE

In this subsection, the former references to a municipal corporation, an unincorporated town, a school district, and a special district "in the State" are deleted as implicit.

## **REVISOR'S NOTE**

The only other changes are in style.

## **REVISOR'S NOTE**

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the reference in item (3) of this subsection to "an unincorporated town" is unclear. According to the Maryland Public Information Act Manual, "it is not clear what, if any, entities it encompasses". Maryland Public Information Act Manual, 12th ed., October 2011, pp. 1-3. The term was in the original enactment of the Public Information Act but was not defined. The General Assembly may wish to delete the reference to avoid any confusion.

```
"County" § 1-107
**
```

- (h) Public record. -- \*\*
  - (1) "Public record" means the original or any copy of any documentary material that: \*\*
- (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and \*\*

```
(ii) is in any form, including: **
1. a card; **
2. a computerized record; **
3. correspondence; **
4. a drawing; **
```

- 5. film or microfilm; \*\*
- 6. a form; \*\*
- 7. a map; \*\*
- 8. a photograph or photostat; \*\*
- 9. a recording; or \*\*
- 10. a tape. \*\*
- (2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision. \*\*
- (3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

## **REVISOR'S NOTE**

This subsection is new language derived without substantive change from former SG § 10-611(h).

# REVISOR'S NOTE

In paragraphs (1)(i) and (2) of this subsection, the former references to the State "government" are deleted as surplusage.

## **REVISOR'S NOTE**

In paragraph (3) of this subsection, the reference to the actual stored data "of the image or signature" is substituted for the former reference to the actual stored data "thereof" for clarity.

## **DEFINED TERMS:**

"Includes", "including" § 1-110

**DEFINED TERMS:** 

"Political subdivision" § 4-101

**DEFINED TERMS:** 

"State" § 1-115

**HISTORY:** An. Code 1957, art. SG, §§ 10-601, 10-611(a)-(c), (e)-(h); 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. Ann. Code art. GP, § 4-102 (2014)

§ 4-102. Limitation on records

The State, a political subdivision, or a unit of the State or of a political subdivision may keep only the information about a person that:

- (1) is needed by the State, the political subdivision, or the unit to accomplish a governmental purpose that is authorized or required to be accomplished under:
  - (i) a statute or any other legislative mandate;
  - (ii) an executive order of the Governor;
  - (iii) an executive order of the chief executive of a local jurisdiction; or
  - (iv) a judicial rule; and
  - (2) is relevant to accomplishment of the purpose.

**HISTORY:** An. Code 1957, art. SG, § 10-602; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. Ann. Code art. GP, § 4-103 (2014)

§ 4-103. General right to information

- (a) In general. -- All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.
- (b) General construction. -- To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.
- (c) General Assembly. -- This title does not preclude a member of the General Assembly from acquiring the names and addresses of and statistical information about individuals who are licensed or, as required by a State law, registered.

**HISTORY:** An. Code 1957, art. SG, § 10-612; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

Md. Ann. Code art. GP, § 4-201 (2014)

- § 4-201. Inspection of public records
  - (a) In general. --
- (1) Except as otherwise provided by law, a custodian shall allow a person or governmental unit to inspect any public record at any reasonable time.
- (2) Inspection or copying of a public record may be denied only to the extent provided under this title.
- (b) Rules or regulations. -- To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this title, govern timely production and inspection of a public record.
- (c) Designation of specific types of records. -- Each official custodian shall consider whether to:
- (1) designate types of public records of the governmental unit that are to be made available to any applicant immediately on request; and
- (2) maintain a current list of the types of public records that have been designated as available to any applicant immediately on request.

**HISTORY:** An. Code 1957, art. SG, § 10-613; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

Md. Ann. Code art. GP, § 4-202 (2014)

- § 4-202. Application to inspect public record required
- (a) In general. -- Except as provided in subsection (b) of this section, a person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian.
- (b) Exceptions. -- A person or governmental unit need not submit a written application to the custodian if:
- (1) the person or governmental unit seeks to inspect a public record listed by an official custodian in accordance with  $\S$  4-201(c)(2) of this subtitle; or
  - (2) the custodian waives the requirement for a written application.
- (c) Application submitted to noncustodian. -- If the individual to whom the application is submitted is not the custodian of the public record, within 10 working days after receiving the application, the individual shall give the applicant:
  - (1) notice of that fact; and
  - (2) if known:
    - (i) the name of the custodian; and
    - (ii) the location or possible location of the public record.
- (d) Nonexistent record. -- When an applicant requests to inspect a public record and a custodian determines that the record does not exist, the custodian shall notify the applicant of this determination:
- (1) if the custodian has reached this determination on initial review of the application, immediately; or
- (2) if the custodian has reached this determination after a search for potentially responsive public records, promptly after the search is completed but not more than 30 days after receiving the application.

**HISTORY:** An. Code 1957, art. SG, § 10-614(a); 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

Md. Ann. Code art. GP, § 4-203 (2014)

- § 4-203. Timeliness of decision on application
- (a) In general. -- The custodian shall grant or deny the application promptly, but not more than 30 days after receiving the application.
- (b) Procedure for approval. -- A custodian who approves the application shall produce the public record immediately or within a reasonable period that is needed to retrieve the public record, but not more than 30 days after receipt of the application.
- (c) Procedure for denial. -- A custodian who denies the application shall:
  - (1) immediately notify the applicant;
  - (2) within 10 working days, give the applicant a written statement that gives:
    - (i) the reasons for the denial;
    - (ii) the legal authority for the denial; and
    - (iii) notice of the remedies under this title for review of the denial; and
- (3) allow inspection of any part of the record that is subject to inspection and is reasonably severable.
- (d) Extension by consent. -- With the consent of the applicant, any time limit imposed under this section may be extended for not more than 30 days.

**HISTORY:** An. Code 1957, art. SG, § 10-614(b); 2014, ch. 94, § 2.



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GENERAL PROVISIONS
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SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

Md. Ann. Code art. GP, § 4-204 (2014)

- § 4-204. Improper conditions on granting application
- (a) In general. -- Except to the extent that the grant of an application is related to the status of the applicant as a person in interest and except as required by other law or regulation, the custodian may not condition the grant of an application on:
  - (1) the identity of the applicant;
  - (2) any organizational or other affiliation of the applicant; or
  - (3) a disclosure by the applicant of the purpose for an application.
- (b) Exceptions. -- This section does not preclude an official custodian from considering the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application if:
- (1) the applicant chooses to provide this information for the custodian to consider in making a determination under Subtitle 3, Part IV of this title;
  - (2) the applicant has requested a waiver of fees under § 4-206(e) of this subtitle; or
- (3) the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application is material to the determination of the official custodian in accordance with  $\S$  4-206(e)(2) of this subtitle.
- (c) Request for identity allowed. -- Consistently with this section, an official may request the identity of an applicant for the purpose of contacting the applicant.

**HISTORY:** An. Code 1957, art. SG, § 10-614(c); 2014, ch. 94, § 2.



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GENERAL PROVISIONS
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SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

Md. Ann. Code art. GP, § 4-205 (2014)

- § 4-205. Copies; printouts; photographs; electronic format
  - (a) "Metadata" defined. --
- (1) In this section, "metadata" means information, generally not visible when an electronic document is printed, describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data is collected, created, accessed, or modified and how the data is formatted.
  - (2) "Metadata" does not include:
    - (i) a spreadsheet formula;
    - (ii) a database field;
    - (iii) an externally or internally linked file; or
    - (iv) a reference to an external file or a hyperlink.
- (b) In general. -- Except as otherwise provided in this section, if an applicant who is authorized to inspect a public record requests a copy, printout, or photograph of the public record, the custodian shall provide the applicant with:
  - (1) a copy, printout, or photograph of the public record; or
- (2) if the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph.
- (c) Public record in electronic format. --
- (1) Except as provided in paragraph (2) of this subsection, the custodian of a public record shall provide an applicant with a copy of the public record in a searchable and analyzable electronic format if:
  - (i) the public record is in a searchable and analyzable electronic format;
- (ii) the applicant requests a copy of the public record in a searchable and analyzable electronic format; and
- (iii) the custodian is able to provide a copy of the public record, in whole or in part, in a searchable and analyzable electronic format that does not disclose:

- 1. confidential or protected information for which the custodian is required to deny inspection in accordance with Subtitle 3, Parts I through III of this title; or
- 2. information for which a custodian has chosen to deny inspection in accordance with Subtitle 3, Part IV of this title.
- (2) The State Department of Assessments and Taxation is not required to provide an applicant with a copy of the public record in a searchable and analyzable electronic format if the State Department of Assessments and Taxation has provided the public record to a contractor that will provide the applicant a copy of the public record in a searchable and analyzable electronic format for a reasonable cost.
- (3) A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by:
  - (i) using a software program or function; or
  - (ii) converting the electronic document into a different searchable and analyzable format.
  - (4) This subsection may not be construed to:
- (i) require the custodian to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format;
  - (ii) allow a custodian to make a public record available only in an electronic format;
  - (iii) require a custodian to create, compile, or program a new public record; or
- (iv) require a custodian to release an electronic record in a format that would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which the record is maintained.
- (5) If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.
- (d) Conditions for making a copy, printout, or photograph; schedule. --
  - (1) The copy, printout, or photograph shall be made:
    - (i) while the public record is in the custody of the custodian; and
    - (ii) whenever practicable, where the public record is kept.
- (2) The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.
- (e) Copy of judgment. -- An applicant may not have a copy of a judgment until:
  - (1) the time for appeal expires; or
  - (2) if an appeal is noted, the appeal is dismissed or adjudicated.

**HISTORY:** An. Code 1957, art. SG, §§ 10-611(d), 10-620(a), (b); 2014, ch. 94, § 2; ch. 584.

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GENERAL PROVISIONS
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SUBTITLE 2. INSPECTION OF PUBLIC RECORDS

Md. Ann. Code art. GP, § 4-206 (2014)

§ 4-206. Fees

- (a) "Reasonable fee" defined. -- In this section, "reasonable fee" means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.
- (b) Charging reasonable fee. -- Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for the search for, preparation of, and reproduction of a public record.
- (c) Limitation on search and preparation fee. -- The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.
- (d) Limitation on reproduction fee. --
- (1) If another law sets a fee for a copy, an electronic copy, a printout, or a photograph of a public record, that law applies.
- (2) The official custodian otherwise may charge any reasonable fee for making or supervising the making of a copy, an electronic copy, a printout, or a photograph of a public record.
- (3) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.
- (e) Waiver. -- The official custodian may waive a fee under this section if:
  - (1) the applicant asks for a waiver; and
- (2) after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.

**HISTORY:** An. Code 1957, art. SG, § 10-621; 2014, ch. 94, § 2.



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**GENERAL PROVISIONS** TITLE 4. PUBLIC INFORMATION ACT SUBTITLE 3. DENIALS OF INSPECTION PART I. IN GENERAL

Md. Ann. Code art. GP, § 4-301 (2014)

§ 4-301. In general

A custodian shall deny inspection of a public record or any part of a public record if:

- (1) by law, the public record is privileged or confidential; or
- (2) the inspection would be contrary to:
  - (i) a State statute;
- (ii) a federal statute or a regulation that is issued under the statute and has the force of law;
  - (iii) the rules adopted by the Court of Appeals; or
  - (iv) an order of a court of record.

**HISTORY:** An. Code 1957, art. SG, § 10-615; 2014, ch. 94, § 2.



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**GENERAL PROVISIONS** TITLE 4. PUBLIC INFORMATION ACT SUBTITLE 3. DENIALS OF INSPECTION PART I. IN GENERAL

Md. Ann. Code art. GP, § 4-302 (2014)

§§ 4-302, 4-303.

Reserved.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 3. DENIALS OF INSPECTION
PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-304 (2014)

§ 4-304. In general

Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this part.

**HISTORY:** An. Code 1957, art. SG, § 10-616(a); 2014, ch. 94, § 2; ch. 192.



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SUBTITLE 3. DENIALS OF INSPECTION
PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-305 (2014)

§ 4-305. Adoption records

A custodian shall deny inspection of public records that relate to the adoption of an individual.

**HISTORY:** An. Code 1957, art. SG, § 10-616(b); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-306 (2014)

§ 4-306. Hospital records

A custodian shall deny inspection of a hospital record that:

- (1) relates to:
  - (i) medical administration;
  - (ii) staff;
  - (iii) medical care; or
  - (iv) other medical information; and
- (2) contains general or specific information about one or more individuals.

**HISTORY:** An. Code 1957, art. SG, § 10-616(j); 2014, ch. 94, § 2.

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PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-307 (2014)

§ 4-307. Welfare records

A custodian shall deny inspection of public records that relate to welfare for an individual.

**HISTORY:** An. Code 1957, art. SG, § 10-616(c); 2014, ch. 94, § 2.



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SUBTITLE 3. DENIALS OF INSPECTION
PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-308 (2014)

§ 4-308. Library records

- (a) In general. -- Subject to subsection (b) of this section, a custodian shall prohibit inspection, use, or disclosure of a circulation record of a public library or any other item, collection, or grouping of information about an individual that:
  - (1) is maintained by a library;
- (2) contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
  - (3) identifies the use a patron makes of that library's materials, services, or facilities.
- (b) Permissible inspection. -- A custodian shall allow inspection, use, or disclosure of a circulation record of a public library only:
  - (1) in connection with the library's ordinary business; and
  - (2) for the purposes for which the record was created.

**HISTORY:** An. Code 1957, art. SG, § 10-616(e); 2014, ch. 94, § 2.



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GENERAL PROVISIONS
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PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-309 (2014)

§ 4-309. Gifts of library, archival, or museum materials

A custodian shall deny inspection of library, archival, or museum material given by a person to the extent that the person who made the gift limits disclosure as a condition of the gift.

**HISTORY:** An. Code 1957, art. SG, § 10-616(f); 2014, ch. 94, § 2.



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GENERAL PROVISIONS
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SUBTITLE 3. DENIALS OF INSPECTION
PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-310 (2014)

§ 4-310. Letter of reference

A custodian shall deny inspection of a letter of reference.

**HISTORY:** An. Code 1957, art. SG, § 10-616(d); 2014, ch. 94, § 2.

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GENERAL PROVISIONS
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SUBTITLE 3. DENIALS OF INSPECTION
PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-311 (2014)

§ 4-311. Personnel records

- (a) In general. -- Subject to subsection (b) of this section, a custodian shall deny inspection of a personnel record of an individual, including an application, a performance rating, or scholastic achievement information.
- (b) Required inspections. -- A custodian shall allow inspection by:
  - (1) the person in interest; or
  - (2) an elected or appointed official who supervises the work of the individual.

**HISTORY:** An. Code 1957, art. SG, § 10-616(i); 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 3. DENIALS OF INSPECTION
PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-312 (2014)

- § 4-312. Retirement records
- (a) In general. -- Subject to subsections (b) through (e) of this section, a custodian shall deny inspection of a retirement record for an individual.
- (b) Required inspections. --
  - (1) A custodian shall allow inspection:
    - (i) by the person in interest;
    - (ii) by the appointing authority of the individual;
- (iii) after the death of the individual, by a beneficiary, a personal representative, or any other person who satisfies the administrators of the retirement and pension systems that the person has a valid claim to the benefits of the individual;
- (iv) by any law enforcement agency to obtain the home address of a retired employee of the agency when contact with the retired employee is documented to be necessary for official agency business; and
- (v) subject to paragraph (2) of this subsection, by the employees of a county unit that, by county law, is required to audit the retirement records for current or former employees of the county.
- (2) (i) The information obtained during an inspection under paragraph (1)(v) of this subsection is confidential.
- (ii) The county unit and its employees may not disclose any information obtained during an inspection under paragraph (1)(v) of this subsection that would identify a person in interest.
- (c) Required release of information. -- A custodian shall allow release of information as provided in  $\S$  21-504 or  $\S$  21-505 of the State Personnel and Pensions Article.
- (d) Required statements and disclosures. --
- (1) On request, a custodian shall state whether the individual receives a retirement or pension allowance.
  - (2) On written request, a custodian shall:

- (i) disclose the amount of the part of a retirement allowance that is derived from employer contributions and that is granted to:
  - 1. a retired elected or appointed official of the State;
  - 2. a retired elected official of a political subdivision; or
- 3. a retired appointed official of a political subdivision who is a member of a separate system for elected or appointed officials; and
- (ii) disclose the benefit formula and the variables for calculating the retirement allowance of:
  - 1. a current elected or appointed official of the State;
  - 2. a current elected official of a political subdivision; or
- 3. a current appointed official of a political subdivision who is a member of a separate system for elected or appointed officials.
- (e) Required disclosure in Anne Arundel County. --
  - (1) This subsection applies only to Anne Arundel County.
  - (2) On written request, a custodian of retirement records shall disclose:
- (i) the total amount of the part of a pension or retirement allowance that is derived from employer contributions and that is granted to a retired elected or appointed official of the county;
- (ii) the total amount of the part of a pension or retirement allowance that is derived from employee contributions and that is granted to a retired elected or appointed official of the county if the retired elected or appointed official consents to the disclosure;
- (iii) the benefit formula and the variables for calculating the retirement allowance of a current elected or appointed official of the county; and
- (iv) the amount of the employee contributions plus interest attributable to a current elected or appointed official of the county if the current elected or appointed official consents to the disclosure.
- (3) A custodian of retirement records shall maintain a list of those elected or appointed officials of the county who have consented to the disclosure of information under paragraph (2) (ii) or (iv) of this subsection.

**HISTORY:** An. Code 1957, art. SG, § 10-616(g); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-313 (2014)

## § 4-313. Student records

- (a) In general. -- Subject to subsections (b) and (c) of this section, a custodian shall deny inspection of a school district record about the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student.
- (b) Required inspections. -- A custodian shall allow inspection by:
  - (1) the person in interest; or
  - (2) an elected or appointed official who supervises the student.
- (c) Permissible inspections. --
- (1) A custodian may allow inspection of the home address or home telephone number of a student of a public school by:
- (i) an organization of parents, teachers, students, or former students, or any combination of those groups, of the school;
  - (ii) an organization or a force of the military;
- (iii) a person engaged by a school or board of education to confirm a home address or home telephone number;
  - (iv) a representative of a community college in the State; or
  - (v) the Maryland Higher Education Commission.
- (2) The Maryland Higher Education Commission or a person, an organization, or a community college that obtains information under this subsection may not:
  - (i) use this information for a commercial purpose; or
  - (ii) disclose this information to another person, organization, or community college.
- (3) When a custodian allows inspection under this subsection, the custodian shall notify the Maryland Higher Education Commission, person, organization, or community college of the prohibitions under paragraph (2) of this subsection regarding use and disclosure of this information.

**HISTORY:** An. Code 1957, art. SG, § 10-616(k); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-314 (2014)

- § 4-314. Higher education investment contracts
- (a) In general. -- Subject to subsection (b) of this section, a custodian shall deny inspection of any record disclosing:
- (1) the name of an account holder or a qualified beneficiary of a prepaid contract under Title 18, Subtitle 19 of the Education Article; or
- (2) the name of an account holder or a qualified designated beneficiary of an investment account under Title 18, Subtitle 19A of the Education Article.
- (b) Required inspections; permissible release of information. -- A custodian:
  - (1) shall allow inspection by a person in interest; and
  - (2) may release information to an eligible institution of higher education designated:
- (i) by an account holder of a prepaid contract or a qualified beneficiary under Title 18, Subtitle 19 of the Education Article; or
- (ii) by an account holder or a qualified designated beneficiary under Title 18, Subtitle 19A of the Education Article.

**HISTORY:** An. Code 1957, art. SG, § 10-616(n); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-315 (2014)

- § 4-315. Traffic accident reports; criminal charging documents; traffic citations
  - (a) Scope of section. -- This section applies only to public records that relate to:
  - (1) police reports of traffic accidents;
  - (2) criminal charging documents before service on the defendant named in the document; or
  - (3) traffic citations filed in the Maryland Automated Traffic System.
- (b) Denial of inspection required. -- A custodian shall deny inspection of a record described in subsection (a) of this section to any of the following persons who request inspection of records to solicit or market legal services:
  - (1) an attorney who is not an attorney of record of a person named in the record; or
- (2) a person who is employed by, retained by, associated with, or acting on behalf of an attorney described in this subsection.

**HISTORY:** An. Code 1957, art. SG, § 10-616(h); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-316 (2014)

- § 4-316. Arrest warrants and charging documents
- (a) In general. -- Except as provided in subsection (d) of this section and subject to subsection (e) of this section, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued under Maryland Rule 4-212(d)(1) or (2) and the charging document on which the arrest warrant was issued may not be open to inspection until:
- (1) the arrest warrant has been served and a return of service has been filed in accordance with Maryland Rule 4-212(g); or
  - (2) 90 days have elapsed since the arrest warrant was issued.
- (b) Grand jury indictments or conspiracy investigations. -- Except as provided in subsection (d) of this section and subject to subsection (e) of this section, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued in accordance with a grand jury indictment or conspiracy investigation and the charging document on which the arrest warrant was issued may not be open to inspection until all arrest warrants for any coconspirators have been served and all returns of service have been filed in accordance with Maryland Rule 4-212(q).
- (c) Files and records open to inspection. -- Subject to subsections (a) and (b) of this section, unless sealed under Maryland Rule 4-201(d), the files and records shall be open to inspection.
- (d) Release of information to Motor Vehicle Administration. --
- (1) The name, address, birth date, driver's license number, sex, height, and weight of an individual contained in an arrest warrant issued under Maryland Rule 4-212(d)(1) or (2) or issued in accordance with a grand jury indictment or conspiracy investigation may be released to the Motor Vehicle Administration for use by the Administration for purposes of § 13-406.1 or § 16-204 of the Transportation Article.
- (2) Except as provided in paragraph (1) of this subsection, information in a charging document that identifies an individual may not be released to the Motor Vehicle Administration.
- (e) Construction of section. -- Subsections (a) and (b) of this section may not be construed to prohibit:
  - (1) the release of statistical information concerning unserved arrest warrants;
- (2) the release of information by a State's Attorney or peace officer concerning an unserved arrest warrant and the charging document on which the arrest warrant was issued;

- (3) inspection of files and records of a court concerning an unserved arrest warrant and the charging document on which the arrest warrant was issued by:
  - (i) a judicial officer;
  - (ii) any authorized court personnel;
  - (iii) a State's Attorney;
  - (iv) a peace officer;
  - (v) a correctional officer who is authorized by law to serve an arrest warrant;
- (vi) a bail bondsman, surety insurer, or surety who executes bail bonds who executed a bail bond for the individual who is subject to arrest under the arrest warrant;
- (vii) an attorney authorized by the individual who is subject to arrest under the arrest warrant;
  - (viii) the Department of Juvenile Services; or
- (ix) a federal, State, or local criminal justice agency described under Title 10, Subtitle 2 of the Criminal Procedure Article; or
- (4) the release of information by the Department of Public Safety and Correctional Services or the Department of Juvenile Services to notify a victim under § 11-507 of the Criminal Procedure Article.

**HISTORY:** An. Code 1957, art. SG, § 10-616(q); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-317 (2014)

- § 4-317. Department of Natural Resources records
- (a) In general. -- Subject to § 8-704.1 of the Natural Resources Article and subsection (b) of this section, a custodian may not knowingly disclose a public record of the Department of Natural Resources containing personal information about the owner of a registered vessel.
- (b) Required disclosures. -- A custodian shall disclose personal information about the owner of a registered vessel for use in the normal course of business activity by a financial institution, as defined in § 1-101(i) of the Financial Institutions Article, its agents, employees, or contractors, but only:
- (1) to verify the accuracy of personal information submitted by the individual to that financial institution; and
- (2) if the information submitted is not accurate, to obtain correct information only for the purpose of:
  - (i) preventing fraud by the individual;
  - (ii) pursuing legal remedies against the individual; or
  - (iii) recovering on a debt or security interest against the individual.

**HISTORY:** An. Code 1957, art. SG, § 10-616(s); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-318 (2014)

§ 4-318. Maryland Transit Administration records

- (a) In general. -- Except as provided in subsection (b) of this section, a custodian shall deny inspection of all records of persons created, generated, or obtained by, or submitted to, the Maryland Transit Administration or its agents or employees in connection with the use or purchase of electronic fare media provided by the Maryland Transit Administration or its agents, employees, or contractors.
- (b) Required inspections. -- A custodian shall allow inspection of the records described in subsection (a) of this section by:
  - (1) an individual named in the record; or
  - (2) the attorney of record of an individual named in the record.

**HISTORY:** An. Code 1957, art. SG, § 10-616(r); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-319 (2014)

- § 4-319. Maryland Transportation Authority records
- (a) In general. -- Subject to subsection (b) of this section, a custodian shall deny inspection of every record that:
  - (1) is:
    - (i) a photograph, a videotape, or an electronically recorded image of a vehicle;
    - (ii) a vehicle movement record;
    - (iii) personal financial information;
    - (iv) a credit report;
    - (v) other personal information; or
    - (vi) other financial information; and
- (2) has been created, recorded, or obtained by, or submitted to, the Maryland Transportation Authority or its agents or employees for or about an electronic toll collection system or associated transaction system.
- (b) Required inspections. -- A custodian shall allow inspection of the records described in subsection (a) of this section by:
  - (1) an individual named in the record;
  - (2) the attorney of record of an individual named in the record;
- (3) an employee or agent of the Maryland Transportation Authority in any investigation or proceeding relating to a violation of speed limitations or to the imposition of or indemnification from liability for failure to pay a toll in connection with any electronic toll collection system;
- (4) an employee or agent of a third party that has entered into an agreement with the Maryland Transportation Authority to use an electronic toll collection system for nontoll applications in the collection of revenues due to the third party; or
- (5) an employee or agent of an entity in another state operating or having jurisdiction over a toll facility.

**HISTORY:** An. Code 1957, art. SG, § 10-616(m); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-320 (2014)

- § 4-320. Motor Vehicle Administration
  - (a) "Telephone solicitation" defined. --
- (1) In this section, "telephone solicitation" means the initiation of a telephone call to an individual or to the residence or business of an individual to encourage the purchase or rental of or investment in property, goods, or services.
  - (2) "Telephone solicitation" does not include a telephone call or message:
- (i) to an individual who has given express permission to the person making the telephone call;
  - (ii) to an individual with whom the person has an established business relationship; or
  - (iii) by a tax-exempt, not-for-profit organization.
- (b) In general. -- Except as provided in subsections (c) through (f) of this section, a custodian may not knowingly disclose a public record of the Motor Vehicle Administration containing personal information.
- (c) Disclosure required by federal law. -- A custodian shall disclose personal information when required by federal law.
- (d) Disclosure on request; consent of person in interest required. --
- (1) This subsection applies only to the disclosure of personal information for any use in response to a request for an individual motor vehicle record.
- (2) The custodian may not disclose personal information without written consent from the person in interest.
- (3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.
- (ii) The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.
- (e) Disclosure for use in surveys, marketing, and solicitations. --
  - (1) This subsection applies only to the disclosure of personal information for inclusion in lists

of information to be used for surveys, marketing, and solicitations.

- (2) The custodian may not disclose personal information for surveys, marketing, and solicitations without written consent from the person in interest.
- (3) (i) At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.
- (ii) The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.
- (4) The custodian may not disclose personal information under this subsection for use in telephone solicitations.
- (5) Personal information disclosed under this subsection may be used only for surveys, marketing, or solicitations and only for a purpose approved by the Motor Vehicle Administration.
- (f) Required disclosure. -- Notwithstanding subsections (d) and (e) of this section, a custodian shall disclose personal information:
- (1) for use by a federal, state, or local government, including a law enforcement agency, or a court in carrying out its functions;
  - (2) for use in connection with matters of:
    - (i) motor vehicle or driver safety;
    - (ii) motor vehicle theft;
    - (iii) motor vehicle emissions;
    - (iv) motor vehicle product alterations, recalls, or advisories;
    - (v) performance monitoring of motor vehicle parts and dealers; and
    - (vi) removal of nonowner records from the original records of motor vehicle manufacturers;
- (3) for use by a private detective agency licensed by the Secretary of State Police under Title 13 of the Business Occupations and Professions Article or a security guard service licensed by the Secretary of State Police under Title 19 of the Business Occupations and Professions Article for a purpose allowed under this subsection;
- (4) for use in connection with a civil, an administrative, an arbitral, or a criminal proceeding in a federal, state, or local court or regulatory agency for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments or orders;
- (5) for purposes of research or statistical reporting as approved by the Motor Vehicle Administration provided that the personal information is not published, redisclosed, or used to contact the individual;
- (6) for use by an insurer, an insurance support organization, or a self-insured entity, or its employees, agents, or contractors, in connection with rating, underwriting, claims investigating, and antifraud activities;
- (7) for use in the normal course of business activity by a legitimate business entity or its agents, employees, or contractors, but only:

- (i) to verify the accuracy of personal information submitted by the individual to that entity; and
- (ii) if the information submitted is not accurate, to obtain correct information only for the purpose of:
  - 1. preventing fraud by the individual;
  - 2. pursuing legal remedies against the individual; or
  - 3. recovering on a debt or security interest against the individual;
- (8) for use by an employer or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. § 31101 et seq.);
  - (9) for use in connection with the operation of a private toll transportation facility;
  - (10) for use in providing notice to the owner of a towed or impounded motor vehicle;
- (11) for use by an applicant who provides written consent from the individual to whom the information pertains if the consent is obtained within the 6-month period before the date of the request for personal information;
  - (12) for use in any matter relating to:
- (i) the operation of a Class B (for hire), Class C (funeral and ambulance), or Class Q (limousine) vehicle; and
  - (ii) public safety or the treatment by the operator of a member of the public;
- (13) for a use specifically authorized by State law, if the use is related to the operation of a motor vehicle or public safety;
- (14) for use by a hospital to obtain, for hospital security, information relating to ownership of vehicles parked on hospital property;
- (15) for use by a procurement organization requesting information under § 4-516 of the Estates and Trusts Article for the purposes of organ, tissue, and eye donation;
- (16) for use by an electric company, as defined in § 1-101 of the Public Utilities Article, but only:
- (i) information describing a plug-in electric drive vehicle, as defined in § 11-145.1 of the Transportation Article, and identifying the address of the registered owner of the plug-in vehicle;
  - (ii) for use in planning for the availability and reliability of the electric power supply; and
  - (iii) if the information is not:
- 1. published or redisclosed, including redisclosed to an affiliate as defined in  $\S$  7-501 of the Public Utilities Article; or
  - 2. used for marketing or solicitation; and
  - (17) for use by an attorney, a title insurance producer, or any other individual authorized to

conduct a title search of a manufactured home under Title 8B of the Real Property Article.

- (g) Restrictions on use of information. --
- (1) A person receiving personal information under subsection (e) or (f) of this section may not use or redisclose the personal information for a purpose other than the purpose for which the custodian disclosed the personal information.
- (2) A person receiving personal information under subsection (e) or (f) of this section who rediscloses the personal information shall:
- (i) keep a record for 5 years of the person to whom the information is redisclosed and the purpose for which the information is to be used; and
  - (ii) make the record available to the custodian on request.
- (h) Regulations required. --
  - (1) The custodian shall adopt regulations to implement and enforce this section.
- (2) (i) The custodian shall adopt regulations and procedures for securing from a person in interest a waiver of privacy rights under this section when an applicant requests personal information about the person in interest that the custodian is not authorized to disclose under subsections (c) through (f) of this section.
  - (ii) The regulations and procedures adopted under this paragraph shall:
    - 1. state the circumstances under which the custodian may request a waiver; and
- 2. conform with the waiver requirements in the federal Driver's Privacy Protection Act of 1994 and other federal law.
- (i) Methods for monitoring compliance. -- The custodian may develop and implement methods for monitoring compliance with this section and ensuring that personal information is used only for the purposes for which it is disclosed.

**HISTORY:** An. Code 1957, art. SG, §§ 10-611(i), 10-616(p)(1)-(p)(8); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-321 (2014)

- § 4-321. Recorded images from traffic control signal monitoring system
- (a) "Recorded images" defined. -- In this section, "recorded images" has the meaning stated in  $\S$  21-202.1,  $\S$  21-809,  $\S$  21-810, or  $\S$  24-111.3 of the Transportation Article.
- (b) In general. -- Except as provided in subsection (c) of this section, a custodian shall deny inspection of recorded images produced by:
- (1) a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article;
  - (2) a speed monitoring system operated under § 21-809 of the Transportation Article;
- (3) a work zone speed control system operated under § 21-810 of the Transportation Article; or
- (4) a vehicle height monitoring system operated under  $\S$  24-111.3 of the Transportation Article.
- (c) Required inspections. -- A custodian shall allow inspection of recorded images:
- (1) as required in § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article;
- (2) by any person issued a citation under  $\S$  21-202.1,  $\S$  21-809,  $\S$  21-810, or  $\S$  24-111.3 of the Transportation Article, or by an attorney of record for the person; or
- (3) by an employee or agent of an agency in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article.

**HISTORY:** An. Code 1957, art. SG, § 10-616(o); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-322 (2014)

§ 4-322. Surveillance images

- (a) "Surveillance image" defined. -- In this section, "surveillance image" has the meaning stated in § 10-112 of the Criminal Law Article.
- (b) In general. -- Except as provided in subsection (c) of this section, a custodian of a surveillance image shall deny inspection of the surveillance image.
- (c) Required inspections. -- A custodian shall allow inspection of a surveillance image:
  - (1) as required in § 10-112 of the Criminal Law Article;
- (2) by any person issued a citation under  $\S$  10-112 of the Criminal Law Article, or by an attorney of record for the person; or
- (3) by an employee or agent of the Baltimore City Department of Public Works in an investigation or a proceeding relating to the imposition of or indemnification from civil liability under § 10-112 of the Criminal Law Article.

**HISTORY:** An. Code 1957, art. SG, § 10-616(u); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-323 (2014)

§ 4-323. Risk based capital records

Subject to § 4-310 of the Insurance Article, a custodian shall deny inspection of all risk based capital reports and risk based capital plans and any other records that relate to those reports or plans.

**HISTORY:** An. Code 1957, art. SG, § 10-616(I); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-324 (2014)

§ 4-324. Renewable energy credit records

A custodian shall deny inspection of an application for renewable energy credit certification or a claim for renewable energy credits under Title 10, Subtitle 15 of the Agriculture Article.

**HISTORY:** An. Code 1957, art. SG, § 10-616(t); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-325 (2014)

- § 4-325. Firearm and handgun records
- (a) In general. -- Except as provided in subsections (b) and (c) of this section, a custodian shall deny inspection of all records of a person authorized to:
- (1) sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article; or
  - (2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.
- (b) Required inspections. -- A custodian shall allow inspection of firearm or handgun records by:
  - (1) the individual named in the record; or
  - (2) the attorney of record of the individual named in the record.
- (c) Construction of section. -- This section may not be construed to prohibit the Department of State Police or the Department of Public Safety and Correctional Services from accessing firearm or handgun records in the performance of that department's official duty.

**HISTORY:** An. Code 1957, art. SG, § 10-616(v); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-326 (2014)

§ 4-326. Captured plate data.

- (a) Definitions. --
- (1) In this section the following words have the meanings indicated.
- (2) "Automatic license plate reader system" has the meaning stated in § 3-509 of the Public Safety Article.
  - (3) "Captured plate data" has the meaning stated in § 3-509 of the Public Safety Article.
- (b) In general. -- Except as provided in subsections (c) and (d) of this section, a custodian of captured plate data collected by an automatic license plate reader system shall deny inspection of the captured plate data.
- (c) Permissible use or release of data. -- A custodian may use or share captured plate data in the course of the custodian's duties as authorized under § 3-509 of the Public Safety Article.
- (d) Applicability of section. -- Subsection (b) of this section does not apply to an electronic toll collection system or associated transaction system operated by or in conjunction with the Maryland Transportation Authority.

HISTORY: 2014, ch. 192.



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**GENERAL PROVISIONS** TITLE 4. PUBLIC INFORMATION ACT SUBTITLE 3. DENIALS OF INSPECTION PART II. REQUIRED DENIALS FOR SPECIFIC RECORDS

Md. Ann. Code art. GP, § 4-327 (2014)

§ 4-327.

Reserved.



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Md. Ann. Code art. GP, § 4-328 (2014)

§ 4-328. In general

Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this part.

**HISTORY:** An. Code 1957, art. SG, § 10-617(a); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-329 (2014)

- § 4-329. Medical or psychological information
- (a) Scope of section. -- Except for subsection (b)(3) of this section, this section does not apply to:
  - (1) a nursing home as defined in § 19-1401 of the Health General Article; or
  - (2) an assisted living program as defined in § 19-1801 of the Health General Article.
- (b) In general. -- Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains:
- (1) medical or psychological information about an individual, other than an autopsy report of a medical examiner;
- (2) personal information about an individual with, or perceived to have, a disability as defined in § 20-701 of the State Government Article; or
- (3) any report on human immunodeficiency virus or acquired immunodeficiency syndrome submitted in accordance with Title 18 of the Health General Article.
- (c) Required inspections. -- A custodian shall allow the person in interest to inspect the public record to the extent allowed under § 4-304(a) of the Health General Article.

**HISTORY:** An. Code 1957, art. SG, § 10-617(b); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-330 (2014)

§ 4-330. Sociological information

If the official custodian has adopted rules or regulations that define sociological information for purposes of this section, a custodian shall deny inspection of the part of a public record that contains sociological information, in accordance with the rules or regulations.

**HISTORY:** An. Code 1957, art. SG, § 10-617(c); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-331 (2014)

§ 4-331. Information about public employees

Subject to § 21-504 of the State Personnel and Pensions Article, a custodian shall deny inspection of the part of a public record that contains the home address or telephone number of an employee of a unit or an instrumentality of the State or of a political subdivision unless:

- (1) the employee gives permission for the inspection; or
- (2) the unit or instrumentality that employs the individual determines that inspection is needed to protect the public interest.

**HISTORY:** An. Code 1957, art. SG, § 10-617(e); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-332 (2014)

- § 4-332. Information about notaries public
- (a) In general. -- Subject to subsections (b) through (e) of this section, a custodian shall deny inspection of the part of a public record that contains information about the application and commission of a person as a notary public.
- (b) Required inspections. -- A custodian shall allow inspection of the part of a public record that gives:
  - (1) the name of the notary public;
  - (2) the home address of the notary public;
  - (3) the home and business telephone numbers of the notary public;
  - (4) the issue and expiration dates of the notary public's commission;
  - (5) the date the person took the oath of office as a notary public; or
  - (6) the signature of the notary public.
- (c) Inspection permissible for compelling public purpose. -- A custodian may allow inspection of other information about a notary public if the custodian finds a compelling public purpose.
- (d) Permissible denials. -- A custodian may deny inspection of a record by a notary public or any other person in interest only to the extent that the inspection could:
  - (1) interfere with a valid and proper law enforcement proceeding;
  - (2) deprive another person of a right to a fair trial or an impartial adjudication;
  - (3) constitute an unwarranted invasion of personal privacy;
  - (4) disclose the identity of a confidential source;
  - (5) disclose an investigative technique or procedure;
  - (6) prejudice an investigation; or
  - (7) endanger the life or physical safety of an individual.

(e) Required omission from list on request. -- A custodian who sells lists of notaries public shall omit from the lists the name of any notary public, on written request of the notary public.

**HISTORY:** An. Code 1957, art. SG, § 10-617(j); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-333 (2014)

§ 4-333. Licensing records

- (a) In general. -- Subject to subsections (b) through (d) of this section, a custodian shall deny inspection of the part of a public record that contains information about the licensing of an individual in an occupation or a profession.
- (b) Required inspection. -- A custodian shall allow inspection of the part of a public record that gives:
  - (1) the name of the licensee;
- (2) the business address of the licensee or, if the business address is not available, the home address of the licensee after the custodian redacts any information that identifies the location as the home address of an individual with a disability as defined in § 20-701 of the State Government Article;
  - (3) the business telephone number of the licensee;
  - (4) the educational and occupational background of the licensee;
  - (5) the professional qualifications of the licensee;
  - (6) any orders and findings that result from formal disciplinary actions; and
- (7) any evidence that has been provided to the custodian to meet the requirements of a statute as to financial responsibility.
- (c) Permissible inspection. -- A custodian may allow inspection of other information about a licensee if:
  - (1) the custodian finds a compelling public purpose; and
  - (2) the rules or regulations of the official custodian allow the inspection.
- (d) Required inspection by person in interest. -- Except as otherwise provided by this section or other law, a custodian shall allow inspection by the person in interest.
- (e) Required omission from list on request. -- A custodian who sells lists of licensees shall omit from the lists the name of any licensee, on written request of the licensee.

**HISTORY:** An. Code 1957, art. SG, § 10-617(b)(1), (h)(1)-(h)(5); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-334 (2014)

§ 4-334. Social Security number

- (a) In general. -- Except as provided in subsection (b) of this section, a custodian shall deny inspection of the part of an application for a marriage license under § 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural Resources Article that contains a Social Security number.
- (b) Inspection required. -- A custodian shall allow inspection of the part of an application described in subsection (a) of this section that contains a Social Security number by:
  - (1) a person in interest; or
  - (2) on request, the State Child Support Enforcement Administration.

**HISTORY:** An. Code 1957, art. SG, § 10-617(k); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-335 (2014)

§ 4-335. Trade secrets; confidential information

A custodian shall deny inspection of the part of a public record that contains any of the following information provided by or obtained from any person or governmental unit:

- (1) a trade secret;
- (2) confidential commercial information;
- (3) confidential financial information; or
- (4) confidential geological or geophysical information.

**HISTORY:** An. Code 1957, art. SG, § 10-617(d); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-336 (2014)

§ 4-336. Financial information

- (a) Scope of section. -- This section does not apply to the salary of a public employee.
- (b) In general. -- Subject to subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.
- (c) Required inspection for person in interest. -- A custodian shall allow inspection by the person in interest.

**HISTORY:** An. Code 1957, art. SG, § 10-617(f); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-337 (2014)

§ 4-337. Collusive or anticompetitive activity

A custodian shall deny inspection of the part of a public record that contains information:

- (1) generated by the bid analysis management system;
- (2) concerning an investigation of a transportation contractor's suspected collusive or anticompetitive activity; and
- (3) submitted to the Maryland Department of Transportation by the United States Department of Transportation or by another state.

**HISTORY:** An. Code 1957, art. SG, § 10-617(i); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-338 (2014)

§ 4-338. Security of information systems

A custodian shall deny inspection of the part of a public record that contains information about the security of an information system.

**HISTORY:** An. Code 1957, art. SG, § 10-617(g); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-339 (2014)

- § 4-339. Alarm or security system
- (a) In general. -- Except as provided in subsection (b) of this section, a custodian shall deny inspection of the part of a public record that identifies or contains personal information about a person, including a commercial entity, that maintains an alarm or security system.
- (b) Required inspection. -- A custodian shall allow inspection by:
  - (1) the person in interest;
- (2) an alarm or security system company if the company can document that it currently provides alarm or security services to the person in interest;
  - (3) law enforcement personnel; and
  - (4) emergency services personnel, including:
    - (i) a career firefighter;
- (ii) an emergency medical services provider, as defined in  $\S$  13-516 of the Education Article;
  - (iii) a rescue squad employee; and
- (iv) a volunteer firefighter, a rescue squad member, or an advanced life support unit member.

**HISTORY:** An. Code 1957, art. SG, § 10-617(I); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-340 (2014)

- § 4-340. Senior citizen activities centers
- (a) "Senior citizen activities center" defined. -- "Senior citizen activities center" has the meaning stated in  $\S$  10-513 of the Human Services Article.
- (b) In general. -- Except as provided in subsection (c) of this section, a custodian shall deny inspection of the part of a public record that contains the name, address, telephone number, or electronic mail address of any individual enrolled in or any member of a senior citizen activities center.
- (c) Required inspection. -- A custodian shall allow inspection by:
  - (1) a person in interest;
  - (2) law enforcement personnel; or
  - (3) emergency services personnel, including:
    - (i) a career firefighter;
- (ii) an emergency medical services provider, as defined in  $\S$  13-516 of the Education Article;
  - (iii) a rescue squad employee; and
- (iv) a volunteer firefighter, a rescue squad member, or an advanced life support unit member.

**HISTORY:** An. Code 1957, art. SG, § 10-617(m); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-341 (2014)

§§ 4-341, 4-342.

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Md. Ann. Code art. GP, § 4-343 (2014)

§ 4-343. In general

Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.

**HISTORY:** An. Code 1957, art. SG, § 10-618(a); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-344 (2014)

§ 4-344. Interagency or intra-agency letters or memoranda

A custodian may deny inspection of any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit.

**HISTORY:** An. Code 1957, art. SG, § 10-618(b); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-345 (2014)

§ 4-345. Examination information

- (a) In general. -- Subject to subsection (b) of this section, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses, employment, or academic matters.
- (b) Inspection required by person in interest. -- After a written promotional examination has been given and graded, a custodian shall allow a person in interest to inspect the examination and the results of the examination, but may not allow the person in interest to copy or otherwise to reproduce the examination.

**HISTORY:** An. Code 1957, art. SG, § 10-618(c); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-346 (2014)

§ 4-346. State or local research project

- (a) In general. -- Subject to subsection (b) of this section, a custodian may deny inspection of a public record that contains the specific details of a research project that an institution of the State or of a political subdivision is conducting.
- (b) Denial for particular information prohibited. -- A custodian may not deny inspection of the part of a public record that gives only the name, title, and expenditures of a research project described in subsection (a) of this section and the date when the final project summary of the research project will be available.

**HISTORY:** An. Code 1957, art. SG, § 10-618(d); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-347 (2014)

- § 4-347. Inventions owned by State public institution of higher education
- (a) In general. -- Subject to subsection (b) of this section, a custodian may deny inspection of the part of a public record that contains information disclosing or relating to an invention owned in whole or in part by a State public institution of higher education for 4 years to allow the institution to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities related to the invention.
- (b) Circumstances under which denial prohibited. -- A custodian may not deny inspection of a part of a public record described in subsection (a) of this section if:
- (1) the information disclosing or relating to an invention has been published or disseminated by the inventors in the course of their academic activities or disclosed in a published patent;
- (2) the invention referred to in that part of the record has been licensed by the institution for at least 4 years; or
- (3) 4 years have elapsed from the date of the written disclosure of the invention to the institution.

**HISTORY:** An. Code 1957, art. SG, § 10-618(h); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-348 (2014)

§ 4-348. Confidential information owned by specific State entities

A custodian may deny inspection of the part of a public record that contains information disclosing or relating to a trade secret, confidential commercial information, or confidential financial information owned in whole or in part by:

- (1) the Maryland Technology Development Corporation; or
- (2) a public institution of higher education, if the information is part of the institution's activities under  $\S$  15-107 of the Education Article.

**HISTORY:** An. Code 1957, art. SG, § 10-618(i); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-349 (2014)

§ 4-349. Real estate appraisals

- (a) In general. -- Subject to subsection (b) of this section and other law, until the State or a political subdivision acquires title to property, a custodian may deny inspection of a public record that contains a real estate appraisal of the property.
- (b) Owner of property. -- A custodian may not deny inspection by the owner of the property.

**HISTORY:** An. Code 1957, art. SG, § 10-618(e); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-350 (2014)

§ 4-350. Site-specific locations of certain plants, animals, or property

- (a) In general. -- A custodian may deny inspection of a public record that contains information concerning the site-specific location of an endangered or threatened species of plant or animal, a species of plant or animal in need of conservation, a cave, or a historic property as defined in § 5A-301 of the State Finance and Procurement Article.
- (b) Circumstances under which denial prohibited. -- A custodian may not deny inspection of a public record described in subsection (a) of this section if requested by:
  - (1) the owner of the land on which the resource is located; or
  - (2) any entity that is authorized to take the land through the right of eminent domain.

**HISTORY:** An. Code 1957, art. SG, § 10-618(g); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-351 (2014)

- § 4-351. Investigation; intelligence information; security procedures
- (a) In general. -- Subject to subsection (b) of this section, a custodian may deny inspection of:
- (1) records of investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff;
- (2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose; or
- (3) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff.
- (b) Circumstances under which denial permissible. -- A custodian may deny inspection by a person in interest only to the extent that the inspection would:
  - (1) interfere with a valid and proper law enforcement proceeding;
  - (2) deprive another person of a right to a fair trial or an impartial adjudication;
  - (3) constitute an unwarranted invasion of personal privacy;
  - (4) disclose the identity of a confidential source;
  - (5) disclose an investigative technique or procedure;
  - (6) prejudice an investigation; or
  - (7) endanger the life or physical safety of an individual.

**HISTORY:** An. Code 1957, art. SG, § 10-618(f); 2014, ch. 94, § 2.

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Md. Ann. Code art. GP, § 4-352 (2014)

- § 4-352. Information related to emergency management
- (a) In general. -- Subject to subsections (b) and (c) of this section, a custodian may deny inspection of:
- (1) response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures, or specific security procedures;
- (2) (i) building plans, blueprints, schematic drawings, diagrams, operational manuals, or any other records of ports and airports and any other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums, waste and water systems, and any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's internal layout, specific location, life, safety, and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments; or
- (ii) records of any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's life, safety, and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments; or
  - (3) records that:
    - (i) are prepared to prevent or respond to emergency situations; and
- (ii) identify or describe the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories.
- (b) Circumstances under which denial permissible. -- The custodian may deny inspection of a part of a public record under subsection (a) of this section only to the extent that the inspection would:
  - (1) jeopardize the security of any building, structure, or facility;
  - (2) facilitate the planning of a terrorist attack; or
  - (3) endanger the life or physical safety of an individual.

- (c) Circumstances under which denial prohibited. --
- (1) This subsection does not apply to the records of any building, structure, or facility owned or operated by the State or any political subdivision.
- (2) A custodian may not deny inspection of a public record under subsection (a) or (b) of this section that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, an explosion, or a natural disaster.
- (3) Subject to subsections (a) and (b) of this section, a custodian may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the State or any political subdivision.

**HISTORY:** An. Code 1957, art. SG, § 10-618(j); 2014, ch. 94, § 2.



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Md. Ann. Code art. GP, § 4-353 (2014)

- § 4-353. Maryland Port Administration information
- (a) In general. -- A custodian may deny inspection of any part of a public record that contains:
- (1) stevedoring or terminal services or facility use rates or proposed rates generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration;
- (2) a proposal generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration for use of stevedoring or terminal services or facilities to increase waterborne commerce through the ports of the State; or
- (3) except as provided in subsection (b) of this section, research or analysis related to maritime businesses or vessels compiled for the Maryland Port Administration or any private operating company created by the Maryland Port Administration to evaluate its competitive position with respect to other ports.
- (b) Circumstances under which denial prohibited. --
- (1) A custodian may not deny inspection of any part of a public record under subsection (a) (3) of this section by the exclusive representative identified in Section 1 of the memorandum of understanding, or any identical section of a successor memorandum, between the State and the American Federation of State, County and Municipal Employees dated June 28, 2000, or the memorandum of understanding, or any identical section of a successor memorandum, between the State and the Maryland Professional Employees Council dated August 18, 2000, if the part of the public record:
  - (i) is related to State employees; and
- (ii) would otherwise be available to the exclusive representative under Article 4, Section 12 of the applicable memorandum of understanding, or any identical section of a successor memorandum of understanding.
- (2) Before the inspection of any part of a public record under paragraph (1) of this subsection, the exclusive representative shall enter into a nondisclosure agreement with the Maryland Port Administration to ensure the confidentiality of the information provided.

**HISTORY:** An. Code 1957, art. SG, § 10-618(k); 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 3. DENIALS OF INSPECTION
PART IV. DENIAL OF PART OF PUBLIC RECORD

Md. Ann. Code art. GP, § 4-354 (2014)

- § 4-354. University of Maryland University College records
  - (a) In general. -- A custodian may deny inspection of any part of a public record that:
- (1) relates to the University of Maryland University College's competitive position with respect to other providers of education services; and
  - (2) contains:
- (i) fees, tuition, charges, and any information supporting fees, tuition, and charges, proposed, generated, received, or negotiated for receipt by the University of Maryland University College, except fees, tuition, and charges published in catalogues and ordinarily charged to students;
- (ii) a proposal generated, received, or negotiated by the University of Maryland University College, other than with its students, for the provision of education services; or
- (iii) any research, analysis, or plans compiled by or for the University of Maryland University College relating to its operations or proposed operations.
- (b) Circumstances under which denial prohibited. -- A custodian may not deny inspection of any part of a public record under subsection (a) of this section if:
  - (1) the record relates to a procurement by the University of Maryland University College;
- (2) the University of Maryland University College is required to develop or maintain the record by law or at the direction of the Board of Regents of the University System of Maryland; or
- (3) (i) the record is requested by the exclusive representative of any bargaining unit of employees of the University of Maryland University College;
- (ii) the record relates to a matter that is the subject of collective bargaining negotiations between the exclusive representative and the University of Maryland University College; and
- (iii) the exclusive representative has entered into a nondisclosure agreement with the University of Maryland University College to ensure the confidentiality of the information provided.

**HISTORY:** An. Code 1957, art. SG, § 10-618(I); 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 3. DENIALS OF INSPECTION
PART IV. DENIAL OF PART OF PUBLIC RECORD

Md. Ann. Code art. GP, § 4-355 (2014)

- § 4-355. Public institution of higher education records
  - (a) Definitions. --
  - (1) In this section the following words have the meanings indicated.
  - (2) "Directory information" has the meaning stated in 20 U.S.C. § 1232g.
  - (3) "Personal information" means:
    - (i) an address;
    - (ii) a telephone number;
    - (iii) an electronic mail address; or
    - (iv) directory information.
- (b) Circumstances under which denial permissible. -- A custodian of a record kept by a public institution of higher education that contains personal information relating to a student, a former student, or an applicant may:
- (1) require that a request to inspect a record containing personal information be made in writing and sent by first-class mail; and
- (2) deny inspection of the part of the record containing the personal information if the information is requested for commercial purposes.

**HISTORY:** An. Code 1957, art. SG, § 10-618(m); 2014, ch. 94, § 2.



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PART IV. DENIAL OF PART OF PUBLIC RECORD

Md. Ann. Code art. GP, § 4-356 (2014)

§§ 4-356, 4-357.

Reserved.



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**GENERAL PROVISIONS** TITLE 4. PUBLIC INFORMATION ACT SUBTITLE 3. DENIALS OF INSPECTION PART V. TEMPORARY DENIALS

Md. Ann. Code art. GP, § 4-358 (2014)

§ 4-358. Temporary denials

- (a) In general. -- Whenever this title authorizes inspection of a public record but the official custodian believes that inspection would cause substantial injury to the public interest, the official custodian may deny inspection temporarily.
- (b) Petition. --
- (1) Within 10 working days after the denial, the official custodian shall petition a court to order authorization for the continued denial of inspection.
  - (2) The petition shall be filed with the circuit court for the county where:
    - (i) the public record is located; or
    - (ii) the principal place of business of the official custodian is located.
  - (3) The petition shall be served on the applicant, as provided in the Maryland Rules.
- (c) Rights of applicant. -- The applicant is entitled to appear and to be heard on the petition.
- (d) Order for continued denial. -- If, after the hearing, the court finds that inspection of the public record would cause substantial injury to the public interest, the court may issue an appropriate order authorizing the continued denial of inspection.

**HISTORY:** An. Code 1957, art. SG, § 10-619; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
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PART V. TEMPORARY DENIALS

Md. Ann. Code art. GP, § 4-359 (2014)

§§ 4-359, 4-360.

Reserved.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 3. DENIALS OF INSPECTION
PART VI. ADMINISTRATIVE AND JUDICIAL REVIEW

Md. Ann. Code art. GP, § 4-361 (2014)

§ 4-361. Administrative review

- (a) Scope of section. -- This section does not apply when the official custodian denies inspection temporarily under § 4-358 of this subtitle.
- (b) Allowed. -- If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative review in accordance with that subtitle of a decision of the unit, under this subtitle, to deny inspection of any part of a public record.
- (c) Not required. -- A person or governmental unit need not exhaust the remedy under this section before filing suit.

**HISTORY:** An. Code 1957, art. SG, § 10-622; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
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SUBTITLE 3. DENIALS OF INSPECTION
PART VI. ADMINISTRATIVE AND JUDICIAL REVIEW

Md. Ann. Code art. GP, § 4-362 (2014)

§ 4-362. Judicial review

- (a) Complaint. -- Whenever a person or governmental unit is denied inspection of a public record or is not provided with a copy, printout, or photograph of a public record as requested, the person or governmental unit may file a complaint with the circuit court for the county where:
  - (1) the complainant resides or has a principal place of business; or
  - (2) the public record is located.
- (b) Defendant. --
- (1) Unless, for good cause shown, the court otherwise directs, and notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to the complaint within 30 days after service of the complaint.
  - (2) The defendant:
    - (i) has the burden of sustaining a decision to:
      - 1. deny inspection of a public record; or
- 2. deny the person or governmental unit a copy, printout, or photograph of a public record; and
  - (ii) in support of the decision, may submit a memorandum to the court.
- (c) Court. --
- (1) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:
  - (i) take precedence on the docket;
  - (ii) be heard at the earliest practicable date; and
  - (iii) be expedited in every way.
- (2) The court may examine the public record in camera to determine whether any part of the public record may be withheld under this title.

- (3) The court may:
- (i) enjoin the State, a political subdivision, or a unit, an official, or an employee of the State or of a political subdivision from:
  - 1. withholding the public record; or
  - 2. withholding a copy, printout, or photograph of the public record;
- (ii) issue an order for the production of the public record or a copy, printout, or photograph of the public record that was withheld from the complainant; and
  - (iii) for noncompliance with the order, punish the responsible employee for contempt.
- (d) Damages. --
- (1) A defendant governmental unit is liable to the complainant for actual damages that the court considers appropriate if the court finds by clear and convincing evidence that any defendant knowingly and willfully failed to:
- (i) disclose or fully to disclose a public record that the complainant was entitled to inspect under this title; or
- (ii) provide a copy, printout, or photograph of a public record that the complainant requested under § 4-205 of this title.
- (2) An official custodian is liable for actual damages that the court considers appropriate if the court finds that, after temporarily denying inspection of a public record, the official custodian failed to petition a court for an order to continue the denial.
- (e) Disciplinary action. --
- (1) Whenever the court orders the production of a public record or a copy, printout, or photograph of a public record that was withheld from the applicant and, in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record or the copy, printout, or photograph of the public record, the court shall send a certified copy of its finding to the appointing authority of the custodian.
- (2) On receipt of the statement of the court and after an appropriate investigation, the appointing authority shall take the disciplinary action that the circumstances warrant.
- (f) Costs. -- If the court determines that the complainant has substantially prevailed, the court may assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

**HISTORY:** An. Code 1957, art. SG, § 10-623; 2014, ch. 94, § 2; ch. 584.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 4. LIABILITY; PROHIBITED ACTS; PENALTIES; IMMUNITY

Md. Ann. Code art. GP, § 4-401 (2014)

- § 4-401. Unlawful disclosure of public records
- (a) Liability. -- A person, including an officer or employee of a governmental unit, is liable to an individual for actual damages that the court considers appropriate if the court finds by clear and convincing evidence that:
- (1) (i) the person willfully and knowingly allows inspection or use of a public record in violation of this subtitle; and
- (ii) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:
  - 1. an address;
  - 2. a description;
  - 3. a fingerprint or voice print;
  - 4. a number; or
  - 5. a picture; or
- (2) the person willfully and knowingly obtains, discloses, or uses personal information in violation of  $\S$  4-320 of this title.
- (b) Costs. -- If the court determines that the complainant has substantially prevailed, the court may assess against a defendant reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

**HISTORY:** An. Code 1957, art. SG, § 10-626; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 4. LIABILITY; PROHIBITED ACTS; PENALTIES; IMMUNITY

Md. Ann. Code art. GP, § 4-402 (2014)

- § 4-402. Prohibited acts; criminal penalties
  - (a) Prohibited acts. -- A person may not:
  - (1) willfully or knowingly violate any provision of this title;
  - (2) fail to petition a court after temporarily denying inspection of a public record; or
- (3) by false pretenses, bribery, or theft, gain access to or obtain a copy of a personal record if disclosure of the personal record to the person is prohibited by this title.
- (b) Criminal penalties. -- A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000.

**HISTORY:** An. Code 1957, art. SG, § 10-627; 2014, ch. 94, § 2.



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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 4. LIABILITY; PROHIBITED ACTS; PENALTIES; IMMUNITY

Md. Ann. Code art. GP, § 4-403 (2014)

§ 4-403. Immunity for certain disclosures

A custodian is not civilly or criminally liable for transferring or disclosing the contents of a public record to the Attorney General under § 5-313 of the State Personnel and Pensions Article.

**HISTORY:** An. Code 1957, art. SG, § 10-628; 2014, ch. 94, § 2.

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## GENERAL PROVISIONS TITLE 4. PUBLIC INFORMATION ACT SUBTITLE 5. MISCELLANEOUS PROVISIONS

Md. Ann. Code art. GP, § 4-501 (2014)

- § 4-501. Personal records
- (a) "Personal record" defined. -- In this section, "personal record" means a public record that names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as:
  - (1) an address;
  - (2) a description;
  - (3) a fingerprint or voice print;
  - (4) a number; or
  - (5) a picture.
- (b) Requirement of need. --
- (1) Personal records may not be created unless the need for the information has been clearly established by the unit collecting the records.
  - (2) Personal information collected for personal records:
    - (i) shall be appropriate and relevant to the purposes for which it is collected;
    - (ii) shall be accurate and current to the greatest extent practicable; and
    - (iii) may not be obtained by fraudulent means.
- (c) Collection by official custodian from person in interest. --
  - (1) This subsection applies only to units of the State.
- (2) Except as otherwise provided by law, an official custodian who keeps personal records shall collect, to the greatest extent practicable, personal information from the person in interest.
- (3) An official custodian who requests personal information for personal records shall provide the following information to each person in interest from whom personal information is collected:
  - (i) the purpose for which the personal information is collected;

- (ii) any specific consequences to the person for refusal to provide the personal information;
- (iii) the person's right to inspect, amend, or correct personal records, if any;
- (iv) whether the personal information is generally available for public inspection; and
- (v) whether the personal information is made available or transferred to or shared with any entity other than the official custodian.
- (4) Each unit of the State shall post its privacy policies on the collection of personal information, including the policies specified in this subsection, on its Internet Web site.
  - (5) The following personal records are exempt from the requirements of this subsection:
- (i) information concerning the enforcement of criminal laws or the administration of the penal system;
- (ii) information contained in investigative materials kept for the purpose of investigating a specific violation of State law and maintained by a State agency whose principal function may be other than law enforcement;
- (iii) information contained in public records that are accepted by the State Archivist for deposit in the Maryland Hall of Records;
- (iv) information gathered as part of formal research projects previously reviewed and approved by federally mandated institutional review boards; and
- (v) any other personal records exempted by regulations adopted by the Secretary of Budget and Management, based on the recommendation of the Secretary of Information Technology.
- (6) If the Secretary of Budget and Management adopts regulations under paragraph (5)(v) of this subsection, the Secretary shall report, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the personal records exempted from the requirements of this subsection.
- (d) Annual report. --
  - (1) This subsection does not apply to:
    - (i) a unit in the Legislative Branch of the State government;
    - (ii) a unit in the Judicial Branch of the State government; or
    - (iii) a board of license commissioners.
- (2) If a unit or an instrumentality of the State keeps personal records, the unit or instrumentality shall submit an annual report to the Secretary of General Services.
  - (3) An annual report shall state:
    - (i) the name of the unit or instrumentality;
    - (ii) for each set of personal records:
      - 1. the name of the set;

- 2. the location of the set; and
- 3. if a subunit keeps the set, the name of the subunit;
- (iii) for each set of personal records that has not been previously reported:
  - 1. the category of individuals to whom the set applies;
  - 2. a brief description of the types of information that the set contains;
  - 3. the major uses and purposes of the information;
  - 4. by category, the source of information for the set; and
  - 5. the policies and procedures of the unit or instrumentality as to:
    - A. access and challenges to the personal record by the person in interest; and
    - B. storage, retrieval, retention, disposal, and security, including controls on access; and
- (iv) for each set of personal records that has been disposed of or changed significantly since the unit or instrumentality last submitted a report, the information required under item (iii) of this paragraph.
- (4) A unit or an instrumentality that has two or more sets of personal records may combine the personal records in the report only if the character of the personal records is highly similar.
- (5) The Secretary of General Services shall adopt regulations that govern the form and method of reporting under this subsection.
  - (6) The annual report shall be available for public inspection.
- (e) Access for research. -- The official custodian may allow inspection of personal records for which inspection otherwise is not authorized by a person who is engaged in a research project if:
  - (1) the researcher submits to the official custodian a written request that:
    - (i) describes the purpose of the research project;
    - (ii) describes the intent, if any, to publish the findings;
    - (iii) describes the nature of the requested personal records;
- (iv) describes the safeguards that the researcher would take to protect the identity of the persons in interest; and
- (v) states that persons in interest will not be contacted unless the official custodian approves and monitors the contact;
- (2) the official custodian is satisfied that the proposed safeguards will prevent the disclosure of the identity of persons in interest; and
  - (3) the researcher makes an agreement with the unit or instrumentality that:
    - (i) defines the scope of the research project;

- (ii) sets out the safeguards for protecting the identity of the persons in interest; and
- (iii) states that a breach of any condition of the agreement is a breach of contract.

**HISTORY:** An. Code 1957, art. SG, § 10-624; 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 5. MISCELLANEOUS PROVISIONS

Md. Ann. Code art. GP, § 4-502 (2014)

- § 4-502. Corrections of public record
- (a) Request for change allowed. -- A person in interest may request a unit of the State to correct inaccurate or incomplete information in a public record that:
  - (1) the unit keeps; and
  - (2) the person in interest is authorized to inspect.
- (b) Contents of request. -- A request under this section shall:
  - (1) be in writing;
  - (2) describe the requested change precisely; and
  - (3) state the reasons for the change.
- (c) Action on request. --
  - (1) Within 30 days after receiving a request under this section, a unit shall:
    - (i) make or refuse to make the requested change; and
    - (ii) give the person in interest written notice of the action taken.
  - (2) A notice of refusal shall contain the unit's reasons for the refusal.
- (d) Statement of disagreement. --
- (1) If the unit finally refuses a request under this section, the person in interest may submit to the unit a concise statement that, in five pages or less, states the reasons for the request and for disagreement with the refusal.
- (2) If the unit provides the disputed information to a third party, the unit shall provide to that party a copy of the statement submitted to the unit by the person in interest.
- (e) Administrative and judicial review. -- If a unit is subject to Title 10, Subtitle 2 of the State Government Article, a person or governmental unit may seek administrative and judicial review in accordance with that subtitle of:
  - (1) a decision of the unit to deny:

- (i) a request to change a public record; or
- (ii) a right to submit a statement of disagreement; or
- (2) the failure of the unit to provide the statement to a third party.

**HISTORY:** An. Code 1957, art. SG, § 10-625; 2014, ch. 94, § 2.

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GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 6. SHORT TITLE

Md. Ann. Code art. GP, § 4-601 (2014)

§ 4-601. Short title

This title may be cited as the Public Information Act.

**HISTORY:** An. Code 1957, art. SG, § 10-630; 2014, ch. 94, § 2.

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