

SENATE BILL 377
EMERGENCY BILL

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2004 Regular Session
4r0929

By: **Senators Ruben, Britt, Conway, and Stone**
Introduced and read first time: February 4, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2004

CHAPTER 269

1 AN ACT concerning

2 **Access to Public Records - Required Denials - Alarm and Security Systems**

3 FOR the purpose of requiring a custodian to deny inspection of a public record
4 containing certain information about a person, including a commercial entity,
5 that maintains an alarm or security system, except under certain
6 circumstances; requiring a custodian to permit inspection of certain public
7 records by certain persons; making this Act an emergency measure; and
8 generally relating to access to public records relating to alarm and security
9 systems.

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 10-617
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Government**

18 10-617.

19 (a) Unless otherwise provided by law, a custodian shall deny inspection of a
20 part of a public record, as provided in this section.

1 (b) (1) Subject to paragraph (2) of this subsection, a custodian shall deny
2 inspection of the part of a public record that contains medical or psychological
3 information about an individual, other than an autopsy report of a medical examiner.

4 (2) A custodian shall permit the person in interest to inspect the public
5 record to the extent permitted under § 4-304(a) of the Health - General Article.

6 (c) If the official custodian has adopted rules or regulations that define
7 sociological information for purposes of this subsection, a custodian shall deny
8 inspection of the part of a public record that contains sociological information, in
9 accordance with the rules or regulations.

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

13 (1) a trade secret;

14 (2) confidential commercial information;

15 (3) confidential financial information; or

16 (4) confidential geological or geophysical information.

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

21 (1) the employee gives permission for the inspection; or

22 (2) the unit or instrumentality that employs the individual determines
23 that inspection is needed to protect the public interest.

24 (f) (1) This subsection does not apply to the salary of a public employee.

25 (2) Subject to paragraph (3) of this subsection, a custodian shall deny
26 inspection of the part of a public record that contains information about the finances
27 of an individual, including assets, income, liabilities, net worth, bank balances,
28 financial history or activities, or creditworthiness.

29 (3) A custodian shall permit inspection by the person in interest.

30 (g) A custodian shall deny inspection of the part of a public record that
31 contains information about the security of an information system.

32 (h) (1) Subject to paragraphs (2) through (4) of this subsection, a custodian
33 shall deny inspection of the part of a public record that contains information about
34 the licensing of an individual in an occupation or profession.

1 (2) A custodian shall permit inspection of the part of a public record that
2 gives:

3 (i) the name of the licensee;

4 (ii) the business address of the licensee or, if the business address is
5 not available, the home address;

6 (iii) the business telephone number of the licensee;

7 (iv) the educational and occupational background of the licensee;

8 (v) the professional qualifications of the licensee;

9 (vi) any orders and findings that result from formal disciplinary
10 actions; and

11 (vii) any evidence that has been provided to the custodian to meet
12 the requirements of a statute as to financial responsibility.

13 (3) A custodian may permit inspection of other information about a
14 licensee if:

15 (i) the custodian finds a compelling public purpose; and

16 (ii) the rules or regulations of the official custodian permit the
17 inspection.

18 (4) Except as otherwise provided by this subsection or other law, a
19 custodian shall permit inspection by the person in interest.

20 (5) A custodian who sells lists of licensees shall omit from the lists the
21 name of any licensee, on written request of the licensee.

22 (i) A custodian shall deny inspection of the part of a public record that
23 contains information, generated by the bid analysis management system, concerning
24 an investigation based on a transportation contractor's suspected collusive or
25 anticompetitive activity submitted to the Department by:

26 (1) the United States Department of Transportation; or

27 (2) another state.

28 (j) (1) Subject to paragraphs (2) through (5) of this subsection, a custodian
29 shall deny inspection of the part of a public record that contains information about
30 the application and commission of a person as a notary public.

31 (2) A custodian shall permit inspection of the part of a public record that
32 gives:

33 (i) the name of the notary public;

- 1 (ii) the home address of the notary public;
- 2 (iii) the home and business telephone numbers of the notary public;
- 3 (iv) the issue and expiration dates of the notary public's
4 commission;
- 5 (v) the date the person took the oath of office as a notary public; or
- 6 (vi) the signature of the notary public.

7 (3) A custodian may permit inspection of other information about a
8 notary public if the custodian finds a compelling public purpose.

9 (4) A custodian may deny inspection of a record by a notary public or any
10 other person in interest only to the extent that the inspection could:

- 11 (i) interfere with a valid and proper law enforcement proceeding;
- 12 (ii) deprive another person of a right to a fair trial or an impartial
13 adjudication;
- 14 (iii) constitute an unwarranted invasion of personal privacy;
- 15 (iv) disclose the identity of a confidential source;
- 16 (v) disclose an investigative technique or procedure;
- 17 (vi) prejudice an investigation; or
- 18 (vii) endanger the life or physical safety of an individual.

19 (5) A custodian who sells lists of notaries public shall omit from the lists
20 the name of any notary public, on written request of the notary public.

21 (k) (1) Except as provided in paragraph (2) of this subsection, a custodian
22 shall deny inspection of the part of an application for a marriage license under §
23 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural
24 Resources Article that contains a Social Security number.

25 (2) A custodian shall permit inspection of the part of an application
26 described in paragraph (1) of this subsection that contains a Social Security number
27 to:

- 28 (i) a person in interest; or
- 29 (ii) on request, the State Child Support Enforcement
30 Administration.

31 (L) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
32 CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC RECORD THAT

1 IDENTIFIES OR CONTAINS PERSONAL INFORMATION ABOUT A PERSON, INCLUDING A
2 COMMERCIAL ENTITY, THAT MAINTAINS AN ALARM OR SECURITY SYSTEM.

3 (2) A CUSTODIAN SHALL PERMIT INSPECTION BY:

4 (I) THE PERSON IN INTEREST;

5 (II) AN ALARM OR SECURITY SYSTEM COMPANY IF THE COMPANY
6 CAN DOCUMENT THAT IT CURRENTLY PROVIDES ALARM OR SECURITY SERVICES TO
7 THE PERSON IN INTEREST;

8 (III) LAW ENFORCEMENT PERSONNEL; AND

9 (IV) EMERGENCY SERVICES PERSONNEL, INCLUDING:

10 1. A CAREER FIREFIGHTER;

11 2. AN EMERGENCY MEDICAL SERVICES PROVIDER, AS
12 DEFINED IN § 13-516 OF THE EDUCATION ARTICLE;

13 3. A RESCUE SQUAD EMPLOYEE; AND

14 4. A VOLUNTEER FIREFIGHTER, RESCUE SQUAD MEMBER,
15 OR ADVANCED LIFE SUPPORT UNIT MEMBER.

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
17 ~~effect October 1, 2004.~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
19 emergency measure, is necessary for the immediate preservation of the public health
20 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
21 members elected to each of the two Houses of the General Assembly, and shall take
22 effect from the date it is enacted.