

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 689

(Delegate Barnes)

Health and Government Operations

Education, Health, and Environmental Affairs

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**Access to Public Records - Permissible Denials - Public Institutions of Higher Education**

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This bill authorizes a custodian to deny inspection of a part of a record kept by a public institution of higher education that contains “personal information” relating to a student, former student, or applicant if the information is requested for commercial purposes. The bill authorizes a custodian to require that a request to inspect a record containing personal information be made in writing and sent by first-class mail. The bill specifies that personal information means an address, phone number, electronic mail address or “directory information.”

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**Fiscal Summary**

**State Effect:** None. The bill would not materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Generally, under the Maryland Public Information Act, a custodian of a public record must permit inspection of the record at a reasonable time. However, a custodian must deny access to information under specified circumstances. Although certain information contained in local school records must be restricted to particular individuals and any information obtained may not be used for a commercial purpose, the restrictions do not apply to those records kept at a public institution of higher education.

“Directory information” is defined in 20 U.S.C. §1232G as information relating to a student including the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Morgan State University, University System of Maryland, Maryland Higher Education Commission, Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2008  
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