P3 5lr1189

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Introduced and read first time: January 23, 2015 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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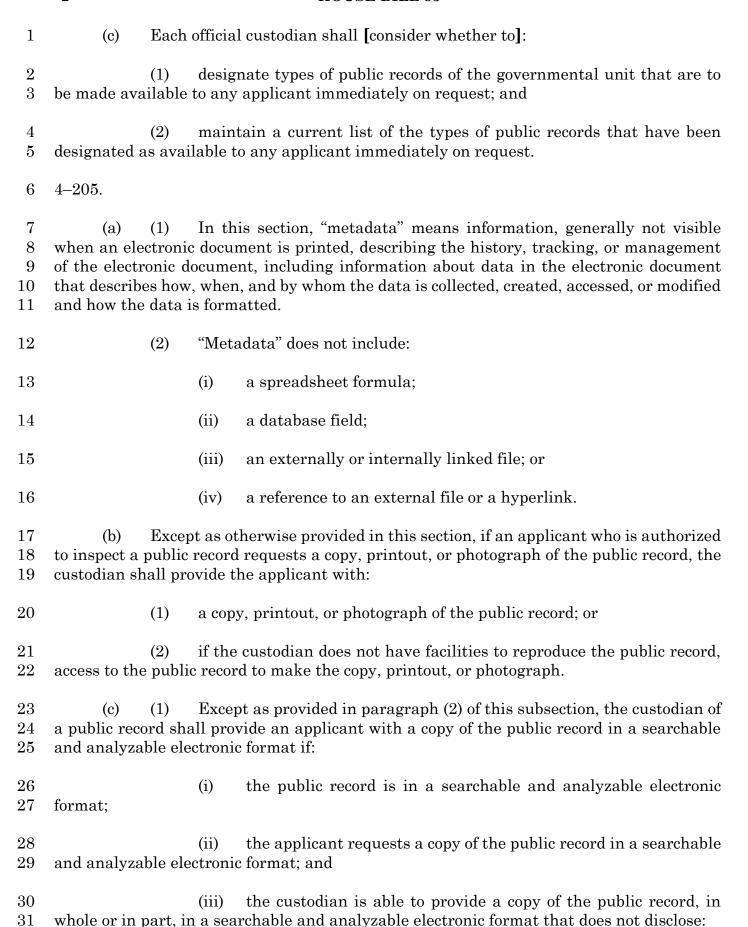
Public Records – Inspection

- 3 FOR the purpose of clarifying that an official custodian is required to make a certain
- 4 designation and maintain a certain list concerning the availability of public records;
- 5 repealing the prohibition against a certain applicant obtaining a copy of a judgment
- 6 until a certain time; and generally relating to the inspection of public records.
- 7 BY repealing and reenacting, with amendments,
- 8 Article General Provisions
- 9 Section 4–201 and 4–205
- 10 Annotated Code of Maryland
- 11 (2014 Volume)
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 13 That the Laws of Maryland read as follows:

14 Article – General Provisions

- 15 4-201.
- 16 (a) (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.
- 18 (2) Inspection or copying of a public record may be denied only to the extent
- 19 provided under this title.
- 20 (b) To protect public records and to prevent unnecessary interference with official
- 21 business, each official custodian shall adopt reasonable rules or regulations that, subject to
- 22 this title, govern timely production and inspection of a public record.





1 2 3	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
$\frac{4}{5}$	2. information for which a custodian has chosen to deny inspection in accordance with Subtitle 3, Part IV of this title.
6 7 8 9 10	(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.
11 12	(3) A custodian may remove metadata from an electronic document before providing the electronic document to an applicant by:
13	(i) using a software program or function; or
14 15	(ii) converting the electronic document into a different searchable and analyzable format.
16	(4) This subsection may not be construed to:
17 18 19	(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;
20 21	(ii) allow a custodian to make a public record available only in an electronic format;
22 23	(iii) require a custodian to create, compile, or program a new public record; or
24 25 26	(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.
27 28 29	(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.
30	(d) (1) The copy, printout, or photograph shall be made:
31	(i) while the public record is in the custody of the custodian; and

whenever practicable, where the public record is kept.

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(ii)

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October 1, 2015.

HOUSE BILL 83

1 **(2)** The official custodian may set a reasonable time schedule to make 2 copies, printouts, or photographs. 3 **[**(e) An applicant may not have a copy of a judgment until: the time for appeal expires; or 4 (1) (2) if an appeal is noted, the appeal is dismissed or adjudicated.] 5 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect