

HOUSE BILL 636

P3

3lr2353

By: **Delegate Guzzone**

Introduced and read first time: February 3, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2023

CHAPTER _____

1 AN ACT concerning

2 **Public Information Act – Inspection of E-Mail Addresses and Telephone**
3 **Numbers**

4 FOR the purpose of altering the definition of “personal information” for purposes of certain
5 provisions of the Public Information Act to include an individual’s e-mail address;
6 requiring certain custodians to deny inspection of certain records of certain e-mail
7 addresses and certain telephone numbers except under certain circumstances;
8 requiring certain custodians to allow inspection of certain records of business e-mail
9 addresses under the same circumstances as inspection of certain records of business
10 addresses and telephone numbers; and generally relating to inspection of e-mail
11 addresses and telephone numbers under the Public Information Act.

12 BY repealing and reenacting, without amendments,
13 Article – General Provisions
14 Section 4–101(a)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – General Provisions
19 Section 4–101(h), 4–313, and 4–331 through 4–333
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – General Provisions**

4 4–101.

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

6 (h) (1) “Personal information” means information that identifies an individual.

7 (2) Except as provided in § 4–355 of this title, “personal information”
8 includes an individual’s:

9 (i) name;

10 (ii) address;

11 **(III) E–MAIL ADDRESS;**

12 **[(iii)] (IV) driver’s license number or any other identification**
13 **number;**

14 **[(iv)] (V) medical or disability information;**

15 **[(v)] (VI) photograph or computer–generated image;**

16 **[(vi)] (VII) Social Security number; and**

17 **[(vii)] (VIII) telephone number.**

18 (3) “Personal information” does not include an individual’s:

19 (i) driver’s status;

20 (ii) driving offenses;

21 (iii) five–digit zip code; or

22 (iv) information on vehicular accidents.

23 4–313.

24 (a) Subject to subsections (b) and (c) of this section, a custodian shall deny
25 inspection of a school district record about the home address, **[home]** telephone number,

1 **PERSONAL E-MAIL ADDRESS**, biography, family, physiology, religion, academic
2 achievement, or physical or mental ability of a student.

3 (b) A custodian shall allow inspection by:

4 (1) the person in interest; or

5 (2) an elected or appointed official who supervises the student.

6 (c) (1) A custodian may allow inspection of the home address [or home],
7 telephone number, **OR PERSONAL E-MAIL ADDRESS** of a student of a public school by:

8 (i) an organization of parents, teachers, students, or former
9 students, or any combination of those groups, of the school;

10 (ii) an organization or a force of the military;

11 (iii) a person engaged by a school or board of education to confirm a
12 home address or home telephone number;

13 (iv) a representative of a community college in the State; or

14 (v) the Maryland Higher Education Commission.

15 (2) The Maryland Higher Education Commission or a person, an
16 organization, or a community college that obtains information under this subsection may
17 not:

18 (i) use this information for a commercial purpose; or

19 (ii) disclose this information to another person, organization, or
20 community college.

21 (3) When a custodian allows inspection under this subsection, the
22 custodian shall notify the Maryland Higher Education Commission, person, organization,
23 or community college of the prohibitions under paragraph (2) of this subsection regarding
24 use and disclosure of this information.

25 4-331.

26 Subject to § 21-504 of the State Personnel and Pensions Article, a custodian shall
27 deny inspection of the part of a public record that contains the home address [or],
28 **PERSONAL** telephone number, **OR PERSONAL E-MAIL ADDRESS** of an employee of a unit
29 or an instrumentality of the State or of a political subdivision unless:

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

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

3 4-332.

4 (a) Subject to subsections (b) through (e) of this section, a custodian shall deny
5 inspection of the part of a public record that contains information about the application and
6 commission of a person as a notary public.

7 (b) A custodian shall allow inspection of the part of a public record that gives:

8 (1) the name of the notary public;

9 (2) the notary public's business address or, if a business address is not
10 provided to the custodian by the notary public, the notary public's home address;

11 (3) the notary public's business telephone number or, if a business
12 telephone number is not provided to the custodian by the notary public, the notary public's
13 home telephone number;

14 **(4) THE NOTARY PUBLIC'S BUSINESS E-MAIL ADDRESS OR, IF A**
15 **BUSINESS E-MAIL ADDRESS IS NOT PROVIDED TO THE CUSTODIAN BY THE NOTARY**
16 **PUBLIC, THE NOTARY PUBLIC'S PERSONAL E-MAIL ADDRESS;**

17 **[(4)] (5)** the issue and expiration dates of the notary public's commission;

18 **[(5)] (6)** the date the person took the oath of office as a notary public; or

19 **[(6)] (7)** the signature of the notary public.

20 (c) A custodian may allow inspection of other information about a notary public
21 if the custodian finds a compelling public purpose.

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

24 (1) interfere with a valid and proper law enforcement proceeding;

25 (2) deprive another person of a right to a fair trial or an impartial
26 adjudication;

27 (3) constitute an unwarranted invasion of personal privacy;

28 (4) disclose the identity of a confidential source;

29 (5) disclose an investigative technique or procedure;

1 (6) prejudice an investigation; or

2 (7) endanger the life or physical safety of an individual.

3 (e) A custodian who sells lists of notaries public shall omit from the lists the name
4 of any notary public, on written request of the notary public.

5 4-333.

6 (a) Subject to subsections (b) through (d) of this section, a custodian shall deny
7 inspection of the part of a public record that contains information about the licensing of an
8 individual in an occupation or a profession.

9 (b) A custodian shall allow inspection of the part of a public record that gives:

10 (1) the name of the licensee;

11 (2) the business address of the licensee or, if the business address is not
12 available, the home address of the licensee after the custodian redacts any information that
13 identifies the location as the home address of an individual with a disability as defined in
14 § 20-701 of the State Government Article;

15 (3) the business telephone number of the licensee;

16 **(4) THE BUSINESS E-MAIL ADDRESS OF THE LICENSEE, IF THE E-MAIL**
17 **ADDRESS IS IDENTIFIED BY THE LICENSEE AS A BUSINESS E-MAIL ADDRESS;**

18 **[(4)] (5)** the educational and occupational background of the licensee;

19 **[(5)] (6)** the professional qualifications of the licensee;

20 **[(6)] (7)** any orders and findings that result from formal disciplinary
21 actions; and

22 **[(7)] (8)** any evidence that has been provided to the custodian to meet the
23 requirements of a statute as to financial responsibility.

24 (c) A custodian may allow inspection of other information about a licensee if:

25 (1) the custodian finds a compelling public purpose; and

26 (2) the rules or regulations of the official custodian allow the inspection.

27 (d) Except as otherwise provided by this section or other law, a custodian shall
28 allow inspection by the person in interest.

1 (e) A custodian who sells lists of licensees shall omit from the lists the name of
2 any licensee, on written request of the licensee.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.