

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Transportation**
(DLS Control No. 14-071)

Overview and Legal and Fiscal Impact

These regulations prohibit a custodian of public records in the Maryland Department of Transportation from disclosing certain personal information, except under certain enumerated circumstances.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Transportation:

Office of the Secretary: Release of Public Records: COMAR 11.01.13.02 and .04

Legal Analysis

Summary of Regulations

Regulation .02 defines “sociological information” as a Social Security number, personal address, personal phone number, personal e-mail address, date of birth, or driver’s license number. In addition, the regulation alters the definition of “public records” to be consistent with the definition provided in § 10-611 of the State Government Article.

Regulation .04 prohibits a custodian from disclosing sociological information to a person requesting public information except by an individual named in the record, the attorney of record of an individual named in the record, the insurance company of record of an individual named in the record, or public employees in the performance of their public duties. The regulation also allows disclosure when required by a subpoena, when the Secretary of Transportation determines it is in the public’s best interest, or when otherwise required by law.

Statutory Authority and Legislative Intent

The department cites §§ 10-611 through 10-624 of the State Government Article as authority for the regulations. These provisions state the general rule that a custodian of public records must allow inspection of the records at a reasonable time, provide requirements related to the access of public records, and specify the circumstances under which inspection may or must

be denied. Section 10-613 requires each official custodian of public records to adopt reasonable regulations that govern timely production and inspection of public records.

Section 10-617 is most pertinent to these regulations. Subsection (c) of that section states that “[i]f the official custodian has adopted rules or regulations that define sociological information for purposes of this subsection, a custodian shall deny inspection of the part of a public record that contains sociological information, in accordance with the rules and regulations.”

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Correction

The department’s Notice of Proposed Action incorrectly states that COMAR 11.01.13.01 is also being amended.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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