

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Independent Agencies**
(DLS Control No. 15-299)

Overview and Legal and Fiscal Impact

The regulations (1) repeal the requirement that an application requesting longitudinal data from the Maryland Longitudinal Data System Center contain an affidavit and (2) correct incorrect citations to the Maryland Public Information Act (MPIA).

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Independent Agencies:

Maryland Longitudinal Data System Center: Longitudinal Data Requests:
COMAR 14.36.04.01-.08

Legal Analysis

Background

Chapter 190 of 2010 established the Maryland Longitudinal Data System. In accordance with Chapter 190, Maryland has developed a comprehensive statewide longitudinal data system that will allow the effective organization, management, disaggregation, and analysis of individual student data, as well as the examination of student progress and outcomes over time, including preparation for postsecondary education and the workforce.

Chapter 190 also established the center as an independent unit within State government that will serve as a central repository for the data, ensure compliance with federal privacy laws, perform research on the data sets, and fulfill education reporting requirements and approved public information requests. General oversight and direction is provided to the center by the Maryland Longitudinal Data System Governing Board.

Summary of Regulation

The regulations repeal the requirement that an application requesting longitudinal data from the center contain an affidavit. The regulations also correct incorrect citations to the

location of the MPIA, changing the citations from the State Government Article to the General Provisions Article.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Governing Board of the center cites § 24-701, 24-703, and 24-706 of the Education Article, Title 4 of the General Provisions Article, and § 8-625 of the Labor and Employment Article as statutory authority for the regulations. More specifically, § 24-703(f) of the Education Article requires the center to ensure routine and ongoing compliance with relevant privacy laws and policies, and to fulfill approved public information requests. Section 24-706 requires the center to adopt regulations to implement the provisions of Subtitle 7, relating to the Maryland Longitudinal Data System.

Title 4 of the General Provisions Article houses the MPIA. The MPIA grants citizens a broad right of access to public records while protecting legitimate governmental interests and the privacy rights of individual citizens.

Section 8-625 of the Labor and Employment Article requires each employer to keep employment records that are accurate and contain certain information.

The remaining statutory authority is not relevant to these regulations.

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

Technical Corrections and Special Notes

The Department of Legislative Services contacted the center regarding (1) an incorrect citation to the State Government Article in Regulation .01A(2) that was not corrected and (2) showing the text of Regulation .04 with brackets around the text to clarify that the regulation is being repealed.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The center advises that the regulations, which are intended to ensure that the regulations are consistent with the requirements of the MPIA, have minimal or no economic impact.

Specifically, the regulations remove the restriction against obtaining data from the Maryland Longitudinal Data Center for commercial purposes. The center advises that the change may result in a minimal increase in the number of data requests; however, the center will offset the costs of fulfilling these additional requests through fees charged to the entity making the requests. The Department of Legislative Services concurs and advises that the center is authorized to charge reasonable fees to fulfill data requests.

Impact on Budget

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

Agency Estimate of Projected Small Business Impact

The center 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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