

HOUSE BILL 712

P1

4lr1750

By: **Delegate Rosenberg**

Introduced and read first time: January 26, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Denials – Confidential Information**

3 FOR the purpose of establishing that a custodian is required to deny inspection of certain
4 confidential information only under certain circumstances; establishing that a
5 custodian may deny inspection of certain confidential information only under certain
6 circumstances; and generally relating to the inspection of confidential information
7 and the Public Information Act.

8 BY repealing and reenacting, with amendments,
9 Article – General Provisions
10 Section 4–335 and 4–348
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2023 Supplement)

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

15 **Article – General Provisions**

16 4–335.

17 **(A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION,** A custodian shall deny
18 inspection of the part of a public record that contains any of the following information
19 provided by or obtained from any person or governmental unit:

20 (1) a trade secret;

21 (2) confidential commercial information;

22 (3) confidential financial information; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) confidential geological or geophysical information.

2 **(B) A CUSTODIAN MAY NOT DENY INSPECTION UNDER SUBSECTION (A) OF**
3 **THIS SECTION UNLESS DISCLOSURE OF THE INFORMATION IS LIKELY TO RESULT IN**
4 **SUBSTANTIAL COMPETITIVE HARM TO THE PERSON FROM WHICH THE**
5 **INFORMATION WAS OBTAINED.**

6 4–348.

7 **(A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION,** A custodian may deny
8 inspection of the part of a public record that contains information disclosing or relating to
9 a trade secret, confidential commercial information, or confidential financial information
10 owned in whole or in part by:

11 (1) the Maryland Technology Development Corporation; or

12 (2) a public institution of higher education, if the information is part of the
13 institution's activities under § 15–107 of the Education Article.

14 **(B) A CUSTODIAN MAY DENY INSPECTION OF INFORMATION UNDER**
15 **SUBSECTION (A) OF THIS SECTION ONLY IF DISCLOSURE OF THE INFORMATION IS**
16 **LIKELY TO RESULT IN SUBSTANTIAL COMPETITIVE HARM TO THE ENTITY LISTED**
17 **UNDER SUBSECTION (A) OF THIS SECTION THAT OWNS THE INFORMATION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.