
By: Delegate Getty

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Records - Copying and Access**

3 FOR the purpose of requiring that a copy of a public record be given in the form or
4 format requested by the applicant under certain circumstances; requiring the State,
5 a political subdivision, or a unit of the State or a political subdivision to make a
6 reasonable effort to maintain its public records in a certain manner and to search
7 for public records in electronic form or format; requiring the State, a political
8 subdivision, or a unit of the State or a political subdivision to make available by
9 computer telecommunications certain public records; providing for certain deletions
10 from certain records under certain circumstances; defining a certain term; and
11 generally relating to the copying and access to public records.

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 10-611(f) and 10-620
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1996 Supplement)

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

19 **Article - State Government**

20 10-611.

21 (f) (1) "Public record" means the original or any copy of any documentary
22 material that:

23 (i) is made by a unit or instrumentality of the State government or of
24 a political subdivision or received by the unit or instrumentality in connection with the
25 transaction of public business; and

26 (ii) is in any form, including:

- 27 1. a card;
- 28 2. a computerized OR ELECTRONIC record;
- 29 3. correspondence;

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- 1 4. a drawing;
- 2 5. film or microfilm;
- 3 6. a form;
- 4 7. a map;
- 5 8. a photograph or photostat;
- 6 9. a recording; or
- 7 10. a tape.

8 (2) "Public record" includes a document that lists the salary of an employee
9 of a unit or instrumentality of the State government or of a political subdivision.

10 (3) "Public record" does not include a digital photographic image or
11 signature of an individual, or the actual stored data thereof, recorded by the Motor
12 Vehicle Administration.

13 10-620.

14 (a) (1) Except as otherwise provided in this subsection, an applicant who is
15 authorized to inspect a public record may have:

- 16 (i) a copy, printout, or photograph of the public record; or
- 17 (ii) if the custodian does not have facilities to reproduce the public
18 record, access to the public record to make the copy, printout, or photograph.

19 (2) An applicant may not have a copy of a judgment until:

- 20 (i) the time for appeal expires; or
- 21 (ii) if an appeal is noted, the appeal is dismissed or adjudicated.

22 (b) (1) The copy, printout, or photograph shall be made:

- 23 (i) while the public record is in the custody of the custodian; and
- 24 (ii) whenever practicable, where the public record is kept.

25 (2) The official custodian may set a reasonable time schedule to make
26 copies, printouts, or photographs.

27 (C) (1) A COPY OF A PUBLIC RECORD SHALL BE GIVEN IN THE FORM OR
28 FORMAT REQUESTED BY THE APPLICANT IF THE RECORD IS READILY
29 REPRODUCIBLE BY THE CUSTODIAN IN THAT FORM OR FORMAT.

30 (2) THE STATE, A POLITICAL SUBDIVISION, OR A UNIT OF THE STATE OR
31 A POLITICAL SUBDIVISION SHALL MAKE A REASONABLE EFFORT TO:

32 (I) MAINTAIN ITS PUBLIC RECORDS IN FORMS OR FORMATS THAT
33 ARE BOTH READILY REPRODUCIBLE AND LIKELY TO BE REQUESTED; AND

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1 (II) SEARCH, EITHER MANUALLY OR THROUGH AUTOMATED
2 MEANS, FOR PUBLIC RECORDS IN ELECTRONIC FORM OR FORMAT.

3 (3) THE STATE, A POLITICAL SUBDIVISION, OR A UNIT OF THE STATE OR
4 A POLITICAL SUBDIVISION SHALL MAKE AVAILABLE BY COMPUTER
5 TELECOMMUNICATIONS PUBLIC RECORDS INCLUDING:

6 (I) FINAL OPINIONS, INCLUDING CONCURRING AND DISSENTING
7 OPINIONS, AS WELL AS ORDERS, MADE IN THE ADJUDICATION OF CASES;

8 (II) STATEMENTS OF POLICY AND INTERPRETATIONS THAT HAVE
9 BEEN ADOPTED AND ARE NOT PUBLISHED IN THE MARYLAND REGISTER;

10 (III) ADMINISTRATIVE STAFF MANUALS AND INSTRUCTIONS TO
11 STAFF THAT AFFECT A MEMBER OF THE PUBLIC;

12 (IV) COPIES OF PUBLIC RECORDS, REGARDLESS OF FORM OR
13 FORMAT, THAT HAVE BEEN RELEASED TO ANY PERSON AND WHICH, BECAUSE OF
14 THEIR SUBJECT MATTER, HAVE BECOME OR ARE LIKELY TO BECOME THE SUBJECT
15 OF SUBSEQUENT REQUESTS FOR SUBSTANTIALLY THE SAME RECORDS; AND

16 (V) A GENERAL INDEX OF RECORDS DESCRIBED IN ITEM (IV) OF
17 THIS SUBPARAGRAPH.

18 (4) (I) TO THE EXTENT REQUIRED TO PREVENT A CLEARLY
19 UNWARRANTED INVASION OF PERSONAL PRIVACY, THE STATE, A POLITICAL
20 SUBDIVISION, OR A UNIT OF THE STATE OR A POLITICAL SUBDIVISION MAY DELETE
21 IDENTIFYING DETAILS WHEN IT MAKES AVAILABLE OR PUBLISHES PUBLIC
22 RECORDS DESCRIBED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH.

23 (II) IF A DELETION IN A PUBLIC RECORD IS MADE, THE
24 JUSTIFICATION FOR THE DELETION SHALL BE EXPLAINED FULLY IN WRITING, AND
25 THE EXTENT OF THE DELETION SHALL BE INDICATED ON THE PART OF THE
26 RECORD THAT IS MADE AVAILABLE OR PUBLISHED.

27 (III) IF TECHNICALLY FEASIBLE, THE EXTENT OF THE DELETION
28 SHALL BE INDICATED AT THE PLACE IN THE RECORD WHERE THE DELETION IS
29 MADE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1997.