
By: **Delegate Arnick**

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Records - Access to Retirement Records**

3 FOR the purpose of repealing the provision of law relating to the inspection of
4 retirement records so as to allow those records to be inspected at any reasonable
5 time; and relating generally to the inspection of retirement records under the
6 Maryland access to public records law.

7 BY repealing
8 Article - State Government
9 Section 10-616(g)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

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

14 **Article - State Government**

15 10-616.

16 [(g) (1) Subject to paragraphs (2) through (6) of this subsection, a custodian
17 shall deny inspection of a retirement record for an individual.

18 (2) A custodian shall permit inspection:

19 (i) by the person in interest;

20 (ii) by the appointing authority of the individual;

21 (iii) after the death of the individual, by a beneficiary, personal
22 representative, or other person who satisfies the administrators of the retirement and
23 pension systems that the person has a valid claim to the benefits of the individual;

24 and

1 (iv) by any law enforcement agency in order to obtain the home
2 address of a retired employee of the agency when contact with a retired employee is
3 documented to be necessary for official agency business.

4 (3) A custodian shall permit inspection by the employees of a county unit
5 that, by county law, is required to audit the retirement records for current or former
6 employees of the county. However, the information obtained during the inspection is
7 confidential, and the county unit and its employees may not disclose any information
8 that would identify a person in interest.

9 (4) On request, a custodian shall state whether the individual receives a
10 retirement or pension allowance.

11 (5) A custodian shall permit release of information as provided in §
12 21-504 of the State Personnel and Pensions Article.

13 (6) On written request, a custodian shall:

14 (i) disclose the amount of that part of a retirement allowance that
15 is derived from employer contributions and that is granted to:

- 16 1. a retired elected or appointed official of the State;
- 17 2. a retired elected official of a political subdivision; or
- 18 3. a retired appointed official of a political subdivision who is
19 a member of a separate system for elected or appointed officials; or

20 (ii) disclose the benefit formula and the variables for calculating
21 the retirement allowance of:

- 22 1. a current elected or appointed official of the State;
- 23 2. a current elected official of a political subdivision; or
- 24 3. a current appointed official of a political subdivision who
25 is a member of a separate system for elected or appointed officials.]

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1998.