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By: **Senators Ruben, Britt, Conway, and Stone**  
Introduced and read first time: February 4, 2004  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Access to Public Records - Required Denials - Alarm and Security Systems**

3 FOR the purpose of requiring a custodian to deny inspection of a public record  
4 containing certain information about a person that maintains an alarm or  
5 security system; and generally relating to access to public records relating to  
6 alarm and security systems.

7 BY repealing and reenacting, with amendments,  
8 Article - State Government  
9 Section 10-617  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2003 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 10-617.

16 (a) Unless otherwise provided by law, a custodian shall deny inspection of a  
17 part of a public record, as provided in this section.

18 (b) (1) Subject to paragraph (2) of this subsection, a custodian shall deny  
19 inspection of the part of a public record that contains medical or psychological  
20 information about an individual, other than an autopsy report of a medical examiner.

21 (2) A custodian shall permit the person in interest to inspect the public  
22 record to the extent permitted under § 4-304(a) of the Health - General Article.

23 (c) If the official custodian has adopted rules or regulations that define  
24 sociological information for purposes of this subsection, a custodian shall deny  
25 inspection of the part of a public record that contains sociological information, in  
26 accordance with the rules or regulations.

1 (d) A custodian shall deny inspection of the part of a public record that  
2 contains any of the following information provided by or obtained from any person or  
3 governmental unit:

- 4 (1) a trade secret;
- 5 (2) confidential commercial information;
- 6 (3) confidential financial information; or
- 7 (4) confidential geological or geophysical information.

8 (e) Subject to § 21-504 of the State Personnel and Pensions Article, a  
9 custodian shall deny inspection of the part of a public record that contains the home  
10 address or telephone number of an employee of a unit or instrumentality of the State  
11 or of a political subdivision unless:

- 12 (1) the employee gives permission for the inspection; or
- 13 (2) the unit or instrumentality that employs the individual determines  
14 that inspection is needed to protect the public interest.

15 (f) (1) This subsection does not apply to the salary of a public employee.

16 (2) Subject to paragraph (3) of this subsection, a custodian shall deny  
17 inspection of the part of a public record that contains information about the finances  
18 of an individual, including assets, income, liabilities, net worth, bank balances,  
19 financial history or activities, or creditworthiness.

20 (3) A custodian shall permit inspection by the person in interest.

21 (g) A custodian shall deny inspection of the part of a public record that  
22 contains information about the security of an information system.

23 (h) (1) Subject to paragraphs (2) through (4) of this subsection, a custodian  
24 shall deny inspection of the part of a public record that contains information about  
25 the licensing of an individual in an occupation or profession.

26 (2) A custodian shall permit inspection of the part of a public record that  
27 gives:

- 28 (i) the name of the licensee;
- 29 (ii) the business address of the licensee or, if the business address is  
30 not available, the home address;
- 31 (iii) the business telephone number of the licensee;
- 32 (iv) the educational and occupational background of the licensee;
- 33 (v) the professional qualifications of the licensee;

1 (vi) any orders and findings that result from formal disciplinary  
2 actions; and

3 (vii) any evidence that has been provided to the custodian to meet  
4 the requirements of a statute as to financial responsibility.

5 (3) A custodian may permit inspection of other information about a  
6 licensee if:

7 (i) the custodian finds a compelling public purpose; and

8 (ii) the rules or regulations of the official custodian permit the  
9 inspection.

10 (4) Except as otherwise provided by this subsection or other law, a  
11 custodian shall permit inspection by the person in interest.

12 (5) A custodian who sells lists of licensees shall omit from the lists the  
13 name of any licensee, on written request of the licensee.

14 (i) A custodian shall deny inspection of the part of a public record that  
15 contains information, generated by the bid analysis management system, concerning  
16 an investigation based on a transportation contractor's suspected collusive or  
17 anticompetitive activity submitted to the Department by:

18 (1) the United States Department of Transportation; or

19 (2) another state.

20 (j) (1) Subject to paragraphs (2) through (5) of this subsection, a custodian  
21 shall deny inspection of the part of a public record that contains information about  
22 the application and commission of a person as a notary public.

23 (2) A custodian shall permit inspection of the part of a public record that  
24 gives:

25 (i) the name of the notary public;

26 (ii) the home address of the notary public;

27 (iii) the home and business telephone numbers of the notary public;

28 (iv) the issue and expiration dates of the notary public's  
29 commission;

30 (v) the date the person took the oath of office as a notary public; or

31 (vi) the signature of the notary public.

32 (3) A custodian may permit inspection of other information about a  
33 notary public if the custodian finds a compelling public purpose.

1           (4)     A custodian may deny inspection of a record by a notary public or any  
2 other person in interest only to the extent that the inspection could:

3           (i)     interfere with a valid and proper law enforcement proceeding;

4           (ii)    deprive another person of a right to a fair trial or an impartial  
5 adjudication;

6           (iii)   constitute an unwarranted invasion of personal privacy;

7           (iv)    disclose the identity of a confidential source;

8           (v)     disclose an investigative technique or procedure;

9           (vi)    prejudice an investigation; or

10          (vii)   endanger the life or physical safety of an individual.

11          (5)     A custodian who sells lists of notaries public shall omit from the lists  
12 the name of any notary public, on written request of the notary public.

13   (k)   (1)     Except as provided in paragraph (2) of this subsection, a custodian  
14 shall deny inspection of the part of an application for a marriage license under §  
15 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural  
16 Resources Article that contains a Social Security number.

17          (2)     A custodian shall permit inspection of the part of an application  
18 described in paragraph (1) of this subsection that contains a Social Security number  
19 to:

20          (i)     a person in interest; or

21          (ii)    on request, the State Child Support Enforcement  
22 Administration.

23   (L)   A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC  
24 RECORD THAT IDENTIFIES OR CONTAINS PERSONAL INFORMATION ABOUT A PERSON  
25 THAT MAINTAINS AN ALARM OR SECURITY SYSTEM.

26   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
27 effect October 1, 2004.