

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 951

(Delegate Bobo, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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Access to Public Records - Study

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This bill establishes a Study Commission to Study the Public's Access to Public Records, staffed by the Department of Legislative Services (DLS). The study commission is required to: (1) examine Title 10, Subtitle 6 of the State Government Article relating to access to public records; (2) review § 10-616 of the State Government Article assessing the elimination of obsolete provisions; (3) consult with the Judiciary on the Judiciary's study on public access to court records and the study's results; and (4) make recommendations and propose legislation to carry out its findings. The study commission is required to report by December 1, 2004.

The bill takes effect July 1, 2004 and terminates December 31, 2004.

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Fiscal Summary

**State Effect:** Any expense reimbursements for study commission members and staffing costs are assumed to be minimal and absorbable within existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** Generally, a custodian of a public record must permit inspection of the record at a reasonable time.

A custodian must deny inspection of a public record or any part of a public record if: (1) the public record is privileged or confidential by law; or (2) the inspection would be contrary to: (a) a State statute; (b) a federal statute or regulation; (c) the Maryland Rules; or (d) an order of a court of record. Denial of inspection is also mandatory for public records relating to adoption, welfare records, letters of reference, and specified information about an individual maintained by a library. Denial of inspection is required for information in a public record relating to certain medical, psychological, and sociological information; trade secrets; certain personal information about public employees; information about the security of an information system or certain buildings; and licensing records.

Unless otherwise provided, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. Other permissible denials include information relating to documents that would not be available through discovery in a lawsuit, certain information about publicly administered tests, research projects conducted by an institution of the State or a political subdivision, real estate appraisals of property to be acquired by the State prior to its acquisition, certain information on inventions owned by State public higher educational institutions, and trade secrets or confidential information owned by the Maryland Technology Development Corporation.

**State Expenditures:** DLS advises that it will likely be able to handle staffing duties with existing resources, depending upon the number of other task forces or commissions that are established during the 2004 legislative session. The bill's December 1 report deadline could divert staff resources from other responsibilities.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2004  
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