

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 487

(Senator Hogan, *et al.*)

Education, Health, and Environmental Affairs

Appropriations

**Public Records - Trade Secrets and Confidential Information - Public
Institutions of Higher Education**

This bill authorizes the custodian of a public record to deny inspection of that part of the record that contains information disclosing or relating to a trade secret, confidential commercial information, or confidential financial information owned by a public institution of higher education, if the information is part of specified activities between the institution and the private sector.

Fiscal Summary

State Effect: Any change in State activities would not materially affect State finances.

Local Effect: Any change in local government activities would not materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Public sector higher educational institutions and their governing boards are encouraged to promote economic development and increase the institutions' financial resources through arrangements with the private sector.

Generally, a custodian of a public record must permit inspection of the record at a reasonable time. However, a custodian may deny inspection of that part of the record that contains information disclosing or relating to a trade secret, confidential commercial

information, or confidential financial information owned in whole or in part by the Maryland Technology Development Corporation.

A custodian may also deny inspection of that part of a record containing information on inventions owned by State public higher educational institutions for four years to permit the institution to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities related to the invention. However, the custodian may not deny inspection if: (1) the information has been published or disseminated by the inventors under specified circumstances; (2) the invention has been licensed by the institution for at least four years; or (3) four years have elapsed from the date that the invention was disclosed in writing to the institution.

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, and real estate appraisals of property to be acquired by the State prior to its acquisition.

Additional Information

Prior Introductions: None.

Cross File: HB 1283 (Delegate Madaleno) – Appropriations.

Information Source(s): University System of Maryland, Maryland Higher Education Commission, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2005
ncs/hlb Revised - Senate Third Reader - March 25, 2005
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Analysis by: T. Ryan Wilson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510