

## CHAPTER 357

(Senate Bill 75)

AN ACT concerning

### **Public Information Act – ~~Maryland Port Administration~~ – Confidentiality of Security-Related Documents and Records**

FOR the purpose of adding certain documents and records concerning ports to the list of certain security-related documentation that may be exempt from disclosure under the Public Information Act; specifying the intent of this Act regarding certain inspections by certain exclusive representatives of records of the Maryland Port Administration or the Maryland Aviation Administration; requiring the exclusive representative, before inspecting certain records under this Act, to enter into a certain nondisclosure agreement; and generally relating to public inspection of certain port security-related documents and records.

BY repealing and reenacting, with amendments,

Article – State Government

Section 10-618(j)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

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

#### **Article – State Government**

10-618.

(j) (1) Subject to paragraphs (2), (3), and (4) of this subsection, a custodian may deny inspection of:

(i) response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures, or specific security procedures;

(ii) 1. building plans, blueprints, schematic drawings, diagrams, operational manuals, or other records of **PORTS AND** airports and other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums, waste and water systems, and any other building, structure, or facility, the disclosure of which would reveal the building's, structure's or facility's internal layout, specific location, life,

safety, and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments; or

2. records of any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's life, safety, and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments; or

(iii) records prepared to prevent or respond to emergency situations identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories.

(2) The custodian may deny inspection of a part of a public record under paragraph (1) of this subsection only to the extent that the inspection would:

- (i) jeopardize the security of any building, structure, or facility;
- (ii) facilitate the planning of a terrorist attack; or
- (iii) endanger the life or physical safety of an individual.

(3) (i) Subject to subparagraph (ii) of this paragraph, a custodian may not deny inspection of a public record under paragraph (1) or (2) of this subsection that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, explosion, or natural disaster.

(ii) This paragraph does not apply to the records of any building, structure, or facility owned or operated by the State or any of its political subdivisions.

(4) (i) Subject to paragraphs (1) and (2) of this subsection and subparagraph (ii) of this paragraph, a custodian may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the State or any political subdivision.

(ii) This paragraph does not apply to the records of any building, structure, or facility owned or operated by the State or any of its political subdivisions.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended to limit inspection by the exclusive representative, as defined in § 3-101(e) of the State Personnel and Pensions Article, of records of the Maryland Port Administration or the Maryland Aviation Administration whose inspection is authorized under § 10-618(j)(1)(ii) of the State Government Article, as enacted by Section 1 of this Act, that would otherwise be available to the exclusive representative pursuant to the Health and Safety Article Provisions of the 2008 Memorandum of Understanding or

any identical article of a successor memorandum between the State and the exclusive representatives and that are authorized to be inspected under federal law. Before the inspection of a public record under this Act in accordance with this section, the exclusive representative shall enter into a nondisclosure agreement for any documents inspected to ensure the confidentiality of the information provided.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

**Approved by the Governor, May 7, 2009.**