

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1301

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “an” and substitute “a certain”; strike beginning with “requiring” in line 5 down through “person;” in line 10 and substitute “authorizing a custodian to remove certain metadata from certain documents;”; in line 11, after “Act;” insert “clarifying that a certain act does not constitute creating, compiling, or programming a new public record;”; in line 13, after “circumstances;” insert “defining a certain term;”; and in line 16, strike “10-620” and substitute “10-611, 10-620.”.

AMENDMENT NO. 2

On page 1, after line 21, insert:

“10-611.

(a) In this Part III of this subtitle the following words have the meanings indicated.

(b) “Applicant” means a person or governmental unit that asks to inspect a public record.

(c) “Custodian” means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(Over)

(D) (1) “METADATA” MEANS INFORMATION, GENERALLY NOT VISIBLE WHEN AN ELECTRONIC DOCUMENT IS PRINTED, DESCRIBING THE HISTORY, TRACKING OR MANAGEMENT OF THE ELECTRONIC DOCUMENT, INCLUDING INFORMATION ABOUT DATA IN THE ELECTRONIC DOCUMENT WHICH DESCRIBES HOW, WHEN, AND BY WHOM THE DATA IS COLLECTED, CREATED, ACCESSED, OR MODIFIED AND HOW IT IS FORMATTED.

(2) “METADATA” DOES NOT INCLUDE:

(I) A SPREADSHEET FORMULA;

(II) A DATABASE FIELD;

(III) AN EXTERNALLY OR INTERNALLY LINKED FILE; OR

(IV) A REFERENCE TO AN EXTERNAL FILE OR HYPERLINK.

[(d)](E) “Official custodian” means an officer or employee of the State or of a political subdivision who, whether or not the officer or employee has physical custody and control of a public record, is responsible for keeping the public record.

[(e)](F) “Person in interest” means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

[(f)](G) (1) Except as otherwise provided in this Part III, "personal information" means information that identifies an individual including an individual's address, driver's license number or any other identification number, medical or disability information, name, photograph or computer generated image, Social Security number, or telephone number.

(2) "Personal information" does not include an individual's driver's status, driving offenses, 5-digit zip code, or information on vehicular accidents.

[(g)](H) (1) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;

(Over)

6. a form;
7. a map;
8. a photograph or photostat;
9. a recording; or
10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government or of a political subdivision.

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Motor Vehicle Administration.

[(h)](I) (1) "Telephone solicitation" means the initiation of a telephone call to an individual or to the residence or business of an individual for the purpose of encouraging the purchase or rental of or investment in property, goods, or services.

(2) "Telephone solicitation" does not include a telephone call or message:

(i) to an individual who has given express permission to the person making the telephone call;

(ii) to an individual with whom the person has an established business relationship; or

(iii) by a tax-exempt, nonprofit organization.”.

AMENDMENT NO. 3

On page 2, in line 5, strike the second “AN” and substitute “A SEARCHABLE AND ANALYZABLE”; in lines 7, 10, and 12, in each instance, strike “AN” and substitute “A SEARCHABLE AND ANALYZABLE”; in line 13, after “DISCLOSE” insert “:

A.”;

in line 15, after “SUBTITLE” insert “;OR

B. INFORMATION FOR WHICH A CUSTODIAN HAS CHOSEN TO DENY INSPECTION IN ACCORDANCE WITH § 10-618 OF THIS SUBTITLE”;

strike in their entirety lines 16 through 29, inclusive, and substitute:

“(II) A CUSTODIAN MAY REMOVE METADATA FROM AN ELECTRONIC DOCUMENT BEFORE PROVIDING THE ELECTRONIC DOCUMENT TO AN APPLICANT BY:

1. USING A SOFTWARE PROGRAM OR FUNCTION; OR

2. CONVERTING THE ELECTRONIC DOCUMENT INTO A DIFFERENT SEARCHABLE AND ANALYZABLE FORMAT.”;

and in line 30, strike “(IV)” and substitute “(III)”.

On page 3, in line 3, strike “OR”; and in line 5, after “FORMAT” insert “;

(Over)

3. REQUIRE A CUSTODIAN TO CREATE, COMPILE, OR PROGRAM A NEW PUBLIC RECORD; OR

4. REQUIRE A CUSTODIAN TO RELEASE AN ELECTRONIC RECORD IN A FORMAT THAT WOULD JEOPARDIZE OR COMPROMISE THE SECURITY OR INTEGRITY OF THE ORIGINAL RECORD OR OF ANY PROPRIETARY SOFTWARE IN WHICH IT IS MAINTAINED.

(IV) THE ACT OF EXTRACTING OR EXPORTING DATA FROM A SPREADSHEET OR DATABASE OR CONVERTING DATA FROM ONE AVAILABLE FORMAT TO ANOTHER DOES NOT CONSTITUTE CREATING, COMPILING, OR PROGRAMMING A NEW PUBLIC RECORD.”.

AMENDMENT NO. 4

On page 3, in lines 23 and 26, in each instance, after “copy,” insert “ELECTRONIC COPY,”; and strike in their entirety lines 29 through 31, inclusive.

On page 4, strike in their entirety lines 1 through 6, inclusive; in line 7, strike the brackets; and in the same line, strike “(F)”.