

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1301

(Delegate Carr, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Government - Access to Public Records - Electronic Documents

This bill requires a custodian of a public record to provide a copy of a public record in a searchable and analyzable electronic format under specified circumstances. The bill may not be construed to require a custodian of a public record to reconstruct a public record in an electronic format if the custodian no longer has the public record available in an electronic format; allow a custodian to make a public record available only in an electronic format; require a custodian to create, compile, or program a new public record; or 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. A custodian of a public record is authorized to remove metadata from an electronic document before providing it to an applicant, and a custodian may charge an applicant a reasonable fee for making or supervising the making of an electronic copy.

Fiscal Summary

State Effect: None. Any costs incurred by State agencies to provide a copy of a public record in an electronic format will be offset by applicant fees.

Local Effect: None. Any costs incurred by local governments to provide a copy of a public record in an electronic format will be offset by applicant fees.

Small Business Effect: Minimal.

Analysis

Bill Summary: 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.

The official custodian of a public record must comply with the bill's requirements even if the public record is in the physical custody or control of another person.

Current Law: The Maryland Public Information Act grants the public a broad right of access to records that are in the possession of State and local government agencies. The Act's basic mandate is to enable people to have access to government records without unnecessary cost or delay. Custodians have a responsibility to provide such access unless the requested records fall within one of the exceptions in the statute.

An applicant who is authorized to inspect a public record may have a copy, printout, or photograph of the public record; or, if the custodian does not have facilities to reproduce the public record, access to the public record to make the copy, printout, or photograph. The copy, printout, or photograph must be made while the public record is in the custody of the custodian; and whenever practicable, where the public record is kept. The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County; City of Bowie; Department of Budget and Management; Department of Human Resources; Department of Health and Mental Hygiene; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Maryland State Archives; Department of Public Safety and Correctional Services; Department of Legislative Services

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