Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 329   (Delegate S. Robinson, *et al.*)

Health and Government Operations   Education, Health, and Environmental Affairs

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Public Information Act - Required Denials - Senior Citizen Activities Centers

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This bill requires a custodian of a public record to deny inspection of the part of the record that contains the name, address, telephone number, or email address of any individual who is enrolled in or a member of a senior citizen activities center. However, the bill requires a custodian to permit inspection of the record by a person of interest, law enforcement personnel, or emergency services personnel.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing resources.

Local Effect: The bill's requirements can be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: A "senior citizen activities center" is a community or neighborhood facility in which a broad spectrum of services – including health, social, nutritional, educational, and recreational services – are organized and provided to seniors and their spouses. A "person of interest" is (1) a person or governmental unit (or designee thereof) that is the subject of a public record; (2) the person's parent or legal guardian, if the person has a legal disability; or (3) with regard to requests for correction of certificates of death, the guardian or certain relatives of the deceased person.

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. A custodian must deny any inspection of certain public records, including, for example, adoption records, welfare records, and certain hospital records. A custodian must deny inspection of certain other public records only in part. For example, a custodian must deny inspection of the part of a public record that contains information about the security of an information system.)

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.

There are no laws in Maryland that address the issue of required denials related to the inspection of public records related to membership or enrollment in a senior citizen activities center.

Background: There are 129 senior centers in Maryland. These centers serve the elderly population by offering health, social, nutrition, education, and recreational services – the core program offerings in senior centers. Programs beyond these core services are determined by the needs and preferences of the populations in the centers.

Additional Information

Prior Introductions: None.

Cross File: SB 230 (Senator King, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Towns of Bel Air, Leonardtown, and Riverdale Park; City of Salisbury; Carroll, Cecil, Harford, Montgomery, and St. Mary's counties; Department of Human Resources; Department of Health and Mental Hygiene; Maryland Department of Aging; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2011
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