

HOUSE BILL 62

P3, F2

2lr0455

By: **Delegates Rosenberg and Reznik**

Introduced and read first time: January 13, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Public Information Act – Public Institutions of Higher**
3 **Education – Permissible Denials**

4 FOR the purpose of authorizing a custodian of a public record to deny inspection under
5 the Public Information Act of the part of the record that contains certain data or
6 information that is produced or collected by or for faculty or staff of a public
7 institution of higher education under certain circumstances; authorizing a
8 custodian of a public record to deny inspection of the part of the record that
9 contains correspondence or research produced by faculty of a public institution
10 of higher education on public policy issues; specifying that a custodian may deny
11 inspection under this Act regardless of whether the study or research was
12 sponsored by the public institution of higher education alone or in conjunction
13 with certain entities; providing that this Act does not apply to financial or
14 administrative records of public institutions of higher education; and generally
15 relating to the application of the Public Information Act to public institutions of
16 higher education.

17 BY adding to
18 Article – State Government
19 Section 10–618(n)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

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

24 **Article – State Government**

25 10–618.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(N) (1) THIS SECTION DOES NOT APPLY TO FINANCIAL OR**
2 **ADMINISTRATIVE RECORDS OF A PUBLIC INSTITUTION OF HIGHER EDUCATION**
3 **IN THE STATE.**

4 **(2) A CUSTODIAN MAY DENY INSPECTION OF THAT PART OF A**
5 **PUBLIC RECORD THAT CONTAINS:**

6 **(I) DATA OR OTHER INFORMATION OF A PROPRIETARY**
7 **NATURE THAT:**

8 **1. WAS PRODUCED OR COLLECTED BY OR FOR**
9 **FACULTY OR STAFF OF A PUBLIC INSTITUTION OF HIGHER EDUCATION;**

10 **2. WAS PRODUCED OR COLLECTED IN THE CONDUCT**
11 **OF OR AS A RESULT OF STUDY OR RESEARCH ON MEDICAL, SCIENTIFIC,**
12 **TECHNICAL, OR SCHOLARLY ISSUES; AND**

13 **3. HAS NOT BEEN PUBLICLY RELEASED, PUBLISHED,**
14 **OR COPYRIGHTED; OR**

15 **(II) CORRESPONDENCE OR RESEARCH PRODUCED BY**
16 **FACULTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION ON PUBLIC POLICY**
17 **ISSUES.**

18 **(3) A CUSTODIAN MAY DENY INSPECTION OF A PART OF A PUBLIC**
19 **RECORD UNDER PARAGRAPH (2) OF THIS SUBSECTION REGARDLESS OF**
20 **WHETHER THE STUDY OR RESEARCH WAS SPONSORED BY THE PUBLIC**
21 **INSTITUTION OF HIGHER EDUCATION ALONE OR IN CONJUNCTION WITH A UNIT**
22 **OF STATE OR LOCAL GOVERNMENT OR A PRIVATE ENTITY.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2012.