

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 269

(Chair, Environmental Matters Committee)(By Request -
Departmental - Natural Resources)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Boating - Disclosure of Personal Information

This departmental bill narrows the scope of a Public Information Act (PIA) prohibition on disclosing personal information held in all Department of Natural Resources (DNR) records to apply exclusively to personal information about the owner of a registered vessel, effectively making the prohibition consistent with the State Boat Act. An owner of a registered vessel is no longer required to submit a written request to DNR in order to prevent disclosure of their personal information.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: In accordance with the State Boat Act in the Natural Resources Article, except under specified conditions, upon written request by a registered vessel owner, DNR may not furnish the name, address, or other identifying information about the

owner to anyone. DNR is authorized to provide such information to (1) another governmental agency; (2) a person requesting information in connection with the compilation of statistical data, if not requested for the purpose of compiling a mailing list; (3) a person whose request is determined by DNR to be limited to and necessary for the protection of the ownership, safe operation, proper maintenance, or repair of the vessel; or (4) a financial institution or its agents, employees, or contractors requesting information in accordance with PIA.

PIA provisions in the State Government Article grant the public a broad right of access to records that are in the possession of State and local government agencies. PIA'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" is the official custodian or any other authorized individual who has physical custody and control of the public record.

One exception to PIA is that a custodian may not knowingly disclose a public record of DNR containing personal information. However, a custodian must disclose personal information for the use in the normal course of business activity by a financial institution or its agents, employees, or contractors (1) to verify the accuracy of personal information submitted by the individual to that financial institution; and (2) if the information submitted is not accurate, to obtain correct information only for the purpose of preventing fraud by the individual, pursuing legal remedies against the individual, or recovering on a debt or security interest against the individual.

Background: Chapter 297 of 2004, titled "Natural Resources – Boating – Disclosure of Personal Information," (1) amended the State Boat Act to allow disclosure of personal information about the owner of a registered vessel to a financial institution under certain circumstances; and (2) added provisions to PIA prohibiting a custodian from knowingly disclosing a DNR public record containing personal information except to a financial institution in certain circumstances. The changes to PIA were intended to be conforming, as indicated in the fiscal and policy note; however, they were not limited to records related to vessel registration, even though the title of Chapter 297 was limited to boating.

DNR advises that this bill clarifies legislative intent and reduces any confusion about whether DNR may disclose records that include a person's name and telephone number. DNR is concerned that a lack of clarity may prevent it from including hunting and fishing license citation information in the State's Criminal Justice Dashboard database, which is used by various law enforcement groups for safety coordination purposes.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of General Services, Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2012
ncs/lgc Revised - Enrolled Bill - April 18, 2012

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Natural Resources – Boating – Disclosure of Personal Information

BILL NUMBER: HB 269

PREPARED BY: Maryland Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.