

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 880 (Senator Getty)  
Education, Health, and Environmental Affairs

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**Public Information Act - Electronic Mail Address - Database and Disclosure**

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This bill authorizes a unit or instrumentality of the State or of a political subdivision (for the purpose of, or in the course of, communicating with the unit or instrumentality) to maintain, in a confidential database, an electronic mail address sent by an individual to the unit or instrumentality. The database is not a public record and may not be disclosed in its entirety, except (1) it must be disclosed in response to a court order and (2) it may be disclosed if necessary to protect the public safety or to assist in the investigation or prosecution of a crime. However, an individual electronic mail address that is maintained in the database may be disclosed individually if the individual provided it to the unit or instrumentality in the course of – or in the course of seeking to establish – a business or contractual relationship with the unit or instrumentality. The bill may not be construed to alter, limit, or otherwise affect any other law that provides more stringent protections for the confidentiality of individuals’ electronic mail addresses.

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**Fiscal Summary**

**State Effect:** Any change in State activities does not materially affect State finances.

**Local Effect:** Any change in local government activities does not materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Generally, a custodian of a public record must permit inspection of the record at a reasonable time.

A custodian has to deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. Denial of inspection is also mandatory for public records relating to adoption, welfare records, letters of reference, specified information about an individual maintained by a library, retirement records, certain police records, criminal charging documents, arrest warrants, personnel records, certain hospital and school records, records of certain State agencies, and certain recorded and surveillance images. Denial of inspection is required for information in a public record relating to certain medical, psychological, sociological, and financial information; trade secrets; certain personal information about public employees; information about the security of an information system; and licensing records.

Unless otherwise specified, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. Other permissible denials include information relating to documents that would not be available through discovery in a lawsuit, certain information about publicly administered tests, research projects conducted by an institution of the State or a political subdivision, real estate appraisals of property to be acquired by the State prior to its acquisition, certain information on inventions owned by State public higher educational institutions, and trade secrets or confidential information owned by the Maryland Technology Development Corporation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Department of Assessments and Taxation, Maryland Department of Agriculture, Baltimore City Community College, Department of Natural Resources, Maryland State Department of Education, Maryland Higher Education Commission, Maryland Association of Counties, Maryland Municipal League, Maryland Department of Transportation, Maryland Transportation Authority, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2013  
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