

# SENATE BILL 444

P3

5lr2649  
CF HB 83

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By: **Senator Ready**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Records – Inspection**

3 FOR the purpose of clarifying that an official custodian is required to make a certain  
4 designation and maintain a certain list concerning the availability of public records;  
5 repealing the prohibition against a certain applicant obtaining a copy of a judgment  
6 until a certain time; and generally relating to the inspection of public records.

7 BY repealing and reenacting, with amendments,

8 Article – General Provisions

9 Section 4–201 and 4–205

10 Annotated Code of Maryland

11 (2014 Volume)

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

14 **Article – General Provisions**

15 4–201.

16 (a) (1) Except as otherwise provided by law, a custodian shall allow a person  
17 or governmental unit to inspect any public record at any reasonable time.

18 (2) Inspection or copying of a public record may be denied only to the extent  
19 provided under this title.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) To protect public records and to prevent unnecessary interference with official  
2 business, each official custodian shall adopt reasonable rules or regulations that, subject to  
3 this title, govern timely production and inspection of a public record.

4 (c) Each official custodian shall [consider whether to]:

5 (1) designate types of public records of the governmental unit that are to  
6 be made available to any applicant immediately on request; and

7 (2) maintain a current list of the types of public records that have been  
8 designated as available to any applicant immediately on request.

9 4–205.

10 (a) (1) In this section, “metadata” means information, generally not visible  
11 when an electronic document is printed, describing the history, tracking, or management  
12 of the electronic document, including information about data in the electronic document  
13 that describes how, when, and by whom the data is collected, created, accessed, or modified  
14 and how the data is formatted.

15 (2) “Metadata” does not include:

16 (i) a spreadsheet formula;

17 (ii) a database field;

18 (iii) an externally or internally linked file; or

19 (iv) a reference to an external file or a hyperlink.

20 (b) Except as otherwise provided in this section, if an applicant who is authorized  
21 to inspect a public record requests a copy, printout, or photograph of the public record, the  
22 custodian shall provide the applicant with:

23 (1) a copy, printout, or photograph of the public record; or

24 (2) if the custodian does not have facilities to reproduce the public record,  
25 access to the public record to make the copy, printout, or photograph.

26 (c) (1) Except as provided in paragraph (2) of this subsection, the custodian of  
27 a public record shall provide an applicant with a copy of the public record in a searchable  
28 and analyzable electronic format if:

29 (i) the public record is in a searchable and analyzable electronic  
30 format;

1 (ii) the applicant requests a copy of the public record in a searchable  
2 and analyzable electronic format; and

3 (iii) the custodian is able to provide a copy of the public record, in  
4 whole or in part, in a searchable and analyzable electronic format that does not disclose:

5 1. confidential or protected information for which the  
6 custodian is required to deny inspection in accordance with Subtitle 3, Parts I through III  
7 of this title; or

8 2. information for which a custodian has chosen to deny  
9 inspection in accordance with Subtitle 3, Part IV of this title.

10 (2) The State Department of Assessments and Taxation is not required to  
11 provide an applicant with a copy of the public record in a searchable and analyzable  
12 electronic format if the State Department of Assessments and Taxation has provided the  
13 public record to a contractor that will provide the applicant a copy of the public record in a  
14 searchable and analyzable electronic format for a reasonable cost.

15 (3) A custodian may remove metadata from an electronic document before  
16 providing the electronic document to an applicant by:

17 (i) using a software program or function; or

18 (ii) converting the electronic document into a different searchable  
19 and analyzable format.

20 (4) This subsection may not be construed to:

21 (i) require the custodian to reconstruct a public record in an  
22 electronic format if the custodian no longer has the public record available in an electronic  
23 format;

24 (ii) allow a custodian to make a public record available only in an  
25 electronic format;

26 (iii) require a custodian to create, compile, or program a new public  
27 record; or

28 (iv) require a custodian to release an electronic record in a format  
29 that would jeopardize or compromise the security or integrity of the original record or of  
30 any proprietary software in which the record is maintained.

31 (5) If a public record exists in a searchable and analyzable electronic  
32 format, the act of a custodian providing a portion of the public record in a searchable and  
33 analyzable electronic format does not constitute creating a new public record.

- 1 (d) (1) The copy, printout, or photograph shall be made:
- 2 (i) while the public record is in the custody of the custodian; and
- 3 (ii) whenever practicable, where the public record is kept.
- 4 (2) The official custodian may set a reasonable time schedule to make
- 5 copies, printouts, or photographs.
- 6 [(e) An applicant may not have a copy of a judgment until:
- 7 (1) the time for appeal expires; or
- 8 (2) if an appeal is noted, the appeal is dismissed or adjudicated.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 10 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.