A BILL ENTITLED

AN ACT concerning

Public Information Act – Police Officers – Procedures and Limitations

FOR the purpose of requiring a custodian to deny a certain written application to inspect a public record relating to a police officer unless the application contains certain information; requiring a custodian to give notice to a police officer and a law enforcement agency and post the written application on a certain publicly accessible website under certain circumstances; requiring a custodian to deny inspection of certain public records or the part of certain public records relating to police officers under certain circumstances; and generally relating to inspections of public records relating to police officers.

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 4–202(a), 4–345, and 4–355
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – General Provisions
Section 4–202.1
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – General Provisions

4–202.
(a) Except as provided in subsection (b) of this section, a person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian.

4–202.1.

(A) In this section, “law enforcement agency” has the meaning stated in § 3–201(d) of the Public Safety Article.

(B) If a person submits a written application to a custodian to inspect a public record relating to a police officer, the custodian shall deny inspection of the public record unless the written application contains:

(1) The name of the person;

(2) The address of the person;

(3) (I) The name and address of the person’s employer; or

   (II) A statement that the person is not employed;

(4) A phone number and valid e-mail address for the person; and

(5) (I) The name of any organization on behalf of which the person is submitting the written application; or

   (II) A statement that the individual is not submitting the written application on behalf of any organization.

(C) (1) If a person submits a written application containing the information required under subsection (b) of this section, the custodian shall:

   (I) Notify any police officer identified in the request and the law enforcement agency that employs the police officer; and

   (II) Post the written application on the publicly accessible website of the unit or instrumentality of the state or political subdivision that made the record.
(2) The notice required under paragraph (1)(i) of this subsection shall include the information required to be provided under subsection (b) of this section.

4–345.

(a) Subject to subsections (b) and (c) of this section, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses, employment, or academic matters.

(b) After a written promotional examination has been given and graded, a custodian shall allow a person in interest to inspect the examination and the results of the examination, but may not allow the person in interest to copy or otherwise to reproduce the examination.

(c) A custodian shall deny inspection of test questions, scoring keys, and other examination information that relates to the administration of academic matters where:

(1) The public record relates to a police officer; and

(2) The request is not made by the person in interest.

4–355.

(a) (1) In this section the following words have the meanings indicated.

(2) “Directory information” has the meaning stated in 20 U.S.C. § 1232g.

(3) “Personal information” means:

(i) an address;

(ii) a telephone number;

(iii) an e-mail address; or

(iv) directory information.

(b) Except as provided in subsection (c) of this section, a custodian of a record kept by a public institution of higher education that contains personal information relating to a student, a former student, or an applicant may:

(1) require that a request to inspect a record containing personal information be made in writing and sent by first-class mail; and
(2) deny inspection of the part of the record containing the personal information if the information is requested for commercial purposes.

(C) A CUSTODIAN OF A RECORD KEPT BY A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT CONTAINS PERSONAL INFORMATION RELATING TO A STUDENT, A FORMER STUDENT, OR AN APPLICANT SHALL DENY INSPECTION OF THE PART OF THE RECORD CONTAINING THE PERSONAL INFORMATION IF:

(1) THE INFORMATION IS THE PERSONAL INFORMATION OF A POLICE OFFICER; AND

(2) THE REQUEST IS NOT MADE BY THE POLICE OFFICER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.