

HOUSE BILL 83

P3

5lr1189

By: **Delegate Krebs**

Introduced and read first time: January 23, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

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.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

6 4–205.

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

12 (2) “Metadata” does not include:

13 (i) a spreadsheet formula;

14 (ii) a database field;

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

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

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

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

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

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

26 (i) the public record is in a searchable and analyzable electronic
27 format;

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

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

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

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

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

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

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

14 (ii) converting the electronic document into a different searchable
15 and analyzable format.

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

17 (i) require the custodian to reconstruct a public record in an
18 electronic format if the custodian no longer has the public record available in an electronic
19 format;

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

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

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

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

30 (d) (1) The copy, printout, or photograph shall be made:

31 (i) while the public record is in the custody of the custodian; and

32 (ii) whenever practicable, where the public record is kept.

1 (2) The official custodian may set a reasonable time schedule to make
2 copies, printouts, or photographs.

3 [(e) An applicant may not have a copy of a judgment until:

4 (1) the time for appeal expires; or

5 (2) if an appeal is noted, the appeal is dismissed or adjudicated.]

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