

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 372 (Delegate Carr)  
Health and Government Operations

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**Public Information Act - Required Denials for Specific Information - Sociological Information**

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This bill prohibits a definition of “sociological information” adopted under rules or regulations by an official custodian of a public record from including an individual’s personal address.

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**Fiscal Summary**

**State Effect:** The bill’s changes can be handled with existing budgeted resources. No effect on revenues.

**Local Effect:** The bill’s changes can be handled with existing local government resources. No effect on local revenues.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under Maryland’s Public Information Act (PIA), a custodian must 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. PIA also requires denial of inspection for personal and confidential records, including, for example, hospital and medical records, financial records, certain police and related criminal records, and licensing records.

If a custodian has adopted rules or regulations that define sociological information for purposes of PIA, a custodian must deny inspection of the part of a public record that contains sociological information in accordance with the rules or regulations.

### *Discretionary Denials*

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. PIA specifies the types of records that are eligible for discretionary denials, including documents that would not be available through discovery in a lawsuit.

### *Procedure for Denial*

A custodian who denies inspection of a public record must, within 10 working days, provide a written statement to the applicant that gives (1) the reason for denial; (2) if denying a part of a record on a discretionary basis, a brief explanation of why the denial is necessary and why redacting information would not address the reasons for the denial; (3) the legal authority for the denial; (4) a brief description of the undisclosed record (without disclosing the protected information); and (5) notice of the available statutory remedies.

**Background:** PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Department of State Police; Office of the Attorney General; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Maryland Department of the Environment; Maryland Department of Health; Maryland Department of Labor; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Caroline, Howard, Montgomery, and Prince George's counties; cities of Baltimore; and Bowie; Baltimore County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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