

SENATE BILL 1057

P3

7lr3028
CF HB 383

By: **Senator Lee**

Introduced and read first time: February 13, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Denials of Inspection – Explanation Regarding**
3 **Redaction**

4 FOR the purpose of requiring, under certain circumstances, a custodian of a public record
5 to include in a certain written statement an explanation of why redacting
6 information would not address the reasons for denying inspection of a public record;
7 and generally relating to the denials of inspection of public records.

8 BY repealing and reenacting, with amendments,
9 Article – General Provisions
10 Section 4–203
11 Annotated Code of Maryland
12 (2014 Volume and 2016 Supplement)

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

15 **Article – General Provisions**

16 4–203.

17 (a) The custodian shall grant or deny the application promptly, but not more than
18 30 days after receiving the application.

19 (b) (1) A custodian who approves the application shall produce the public
20 record immediately or within a reasonable period that is needed to retrieve the public
21 record, but not more than 30 days after receipt of the application.

22 (2) If the custodian reasonably believes that it will take more than 10
23 working days to produce the public record, the custodian shall indicate in writing or by
24 electronic mail within 10 working days after receipt of the request:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the amount of time that the custodian anticipates it will take to
2 produce the public record;

3 (ii) an estimate of the range of fees that may be charged to comply
4 with the request for public records; and

5 (iii) the reason for the delay.

6 (3) Failure to produce the public record in accordance with this subsection
7 constitutes a denial of an application that may not be considered the result of a bona fide
8 dispute unless the custodian has complied with paragraph (2) of this subsection and is
9 working with the applicant in good faith.

10 (c) (1) A custodian who denies the application shall:

11 (i) within 10 working days, give the applicant a written statement
12 that gives:

13 1. the reasons for the denial [and,];

14 2. if inspection is denied under § 4-343 of this title[,]:

15 A. a brief explanation of why the denial is necessary; AND

16 B. AN EXPLANATION OF WHY REDACTING INFORMATION
17 WOULD NOT ADDRESS THE REASONS FOR THE DENIAL;

18 [2.] 3. the legal authority for the denial;

19 [3.] 4. without disclosing the protected information, a brief
20 description of the undisclosed record that will enable the applicant to assess the
21 applicability of the legal authority for the denial; and

22 [4.] 5. notice of the remedies under this title for review of
23 the denial; and

24 (ii) allow inspection of any part of the record that is subject to
25 inspection.

26 (2) A custodian may not ignore an application to inspect public records on
27 the grounds that the application was intended for purposes of harassment.

28 (d) Any time limit imposed under this section:

1 (1) with the consent of the applicant, may be extended for not more than
2 30 days; and

3 (2) if the applicant seeks resolution of a dispute under § 4-1B-04 of this
4 title, shall be extended pending resolution of that dispute.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.