

SENATE BILL 1057

P3

7lr3028
CF HB 383

By: **Senator Lee**

Introduced and read first time: February 13, 2017

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2017

Committee Report: Favorable

Senate action: Adopted

Read second time: March 17, 2017

CHAPTER _____

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.

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

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

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

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

11 (iii) the reason for the delay.

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

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

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

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

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

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

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

24 [2.] 3. the legal authority for the denial;

25 [3.] 4. without disclosing the protected information, a brief
26 description of the undisclosed record that will enable the applicant to assess the
27 applicability of the legal authority for the denial; and

28 [4.] 5. notice of the remedies under this title for review of
29 the denial; and

30 (ii) allow inspection of any part of the record that is subject to
31 inspection.

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

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

4 (1) with the consent of the applicant, may be extended for not more than
5 30 days; and

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.