Md. Ann. Code art. GP, § 4-101

Annotated Code of Maryland

*** Statutes current through 2014 legislation ***

GENERAL PROVISIONS
TITLE 4. PUBLIC INFORMATION ACT
SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

Md. Ann. Code art. GP, § 4-101 (2014)

§ 4-101. Definitions

   (a) In general. -- In this title the following words have the meanings indicated.

** REVISOR'S NOTE

   This subsection formerly was SG § 10-611(a).

** REVISOR'S NOTE

   The only changes are in style.

(b) Applicant. -- "Applicant" means a person or governmental unit that asks to inspect a public record.

** REVISOR'S NOTE

   This subsection formerly was SG § 10-611(b).

** REVISOR'S NOTE

   No changes are made.

** DEFINED TERMS:

   "Person"   § 1-114

   ** DEFINED TERMS:

   "Public record"   § 4-101

**

(c) Custodian. -- "Custodian" means: **

   (1) the official custodian; or **

   (2) any other authorized individual who has physical custody and control of a public record.

REVISOR'S NOTE

This subsection formerly was SG § 10-611(c).

REVISOR'S NOTE

No changes are made.

"Official custodian"   § 4-101

  "Public record"   § 4-101

**

(d) Official custodian. -- "Official custodian" means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former SG § 10-611(e).

"Political subdivision"   § 4-101

  "Public record"   § 4-101

  "State"   § 1-115

**

(e) Person in interest. -- "Person in interest" means: **

  (1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit; **

  (2) if the person has a legal disability, the parent or legal representative of the person; or **

  (3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

REVISOR'S NOTE

This subsection formerly was SG § 10-611(f).

REVISOR'S NOTE

No changes are made.

"Person"   § 1-114

  "Public record"   § 4-101

**

(f) Personal information. -- **

  (1) "Personal information" means information that identifies an individual. **

(2) Except as provided in § 4-355 of this title, "personal information" includes an individual's: **

 (i) name; **

 (ii) address; **

 (iii) driver's license number or any other identification number; **

 (iv) medical or disability information; **

 (v) photograph or computer-generated image; **

 (vi) Social Security number; and **

 (vii) telephone number. **

(3) "Personal information" does not include an individual's: **

 (i) driver's status; **

 (ii) driving offenses; **

 (iii) five-digit zip code; or **

 (iv) information on vehicular accidents.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former SG § 10-611(g).

DEFINED TERM:

"Includes"   § 1-110

**

(g) Political subdivision. -- "Political subdivision" means: **

 (1) a county; **

 (2) a municipal corporation; **

 (3) an unincorporated town; **

 (4) a school district; or **

 (5) a special district.

REVISOR'S NOTE

This subsection formerly was SG § 10-601.

REVISOR'S NOTE

In this subsection, the former references to a municipal corporation, an unincorporated town, a school district, and a special district "in the State" are deleted as implicit.

REVISOR'S NOTE

The only other changes are in style.

REVISOR'S NOTE

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the reference in item (3) of this subsection to "an unincorporated town" is unclear. According to the Maryland Public Information Act Manual, "it is not clear what, if any, entities it encompasses". Maryland Public Information Act Manual, 12th ed., October 2011, pp. 1-3. The term was in the original enactment of the Public Information Act but was not defined. The General Assembly may wish to delete the reference to avoid any confusion.

"County"   § 1-107

**

(h) Public record. -- **

   (1) "Public record" means the original or any copy of any documentary material that: **

      (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and **

      (ii) is in any form, including: **

         1. a card; **

         2. a computerized record; **

         3. correspondence; **

         4. a drawing; **

         5. film or microfilm; **

         6. a form; **

         7. a map; **

         8. a photograph or photostat; **

         9. a recording; or **

         10. a tape. **

   (2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision. **

   (3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration.

REVISOR'S NOTE

   This subsection is new language derived without substantive change from former SG § 10-611(h).

REVISOR'S NOTE

   In paragraphs (1)(i) and (2) of this subsection, the former references to the State "government" are deleted as surplusage.

REVISOR'S NOTE

   In paragraph (3) of this subsection, the reference to the actual stored data "of the image or signature" is substituted for the former reference to the actual stored data "thereof" for clarity.

DEFINED TERMS:

"Includes", "including"	§ 1-110

DEFINED TERMS:

"Political subdivision"	§ 4-101

DEFINED TERMS:

"State"	§ 1-115

HISTORY: An. Code 1957, art. SG, §§ 10-601, 10-611(a)-(c), (e)-(h); 2014, ch. 94, § 2.