

6. Maryland Public Information Act

GENERAL PROVISIONS ARTICLE, §§4-103, 4-333, 4-343, 4-344, 4-345, 4-351

§4-103. General right to information.

(a) *In general.* — All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.

§4-333. Licensing Records.

(a) *In general.* — Subject to subsections (b) through (d) of this section, a custodian shall deny inspection of the part of a public record that contains information about the licensing of an individual in an occupation or a profession or relates to an investigation of a licensee or certificate holder regarding the provision of legally protected health care, as defined in § 4-301 of the Health – General Article, pending a final order.

(b) *Required inspection.* — A custodian shall allow inspection of the part of a public record that gives:

- (1) the name of the licensee;
- (2) the business address of the licensee or, if the business address is not available, the home address of the licensee after the custodian redacts any information that identifies the location as the home address of an individual with a disability as defined in § 20-701 of the State Government Article;
- (3) the business telephone number of the licensee;
- (4) the business email address of the licensee if the email address is identified by the licensee as a business email address;
- (5) the educational and occupational background of the licensee;
- (6) the professional qualifications of the licensee;
- (7) any orders and findings that result from formal disciplinary actions; and
- (8) any evidence that has been provided to the custodian to meet the requirements of a statute as to financial responsibility.

(c) *Permissible inspection.* — A custodian may allow inspection of other information about a licensee if:

- (1) the custodian finds a compelling public purpose; and
- (2) the rules or regulations of the official custodian allow the inspection.

(d) *Required inspection by person in interest.* — Except as otherwise provided by this section or other law, a custodian shall allow inspection by the person in interest.

(e) *Required omission from list on request.* — A custodian who sells lists of licensees shall omit from the lists the name of any licensee, on written request of the licensee.

§4-343. In general.

Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part of the record, as provided in this part.

§4-344. Interagency or intra-agency letters or memoranda.

A custodian may deny inspection of any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit.

§4-345. Examination information.

(a) *In general.* — Subject to subsection (b) of this section, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses, employment, or academic matters.

(b) *Inspection required by person in interest.* — After a written promotional examination has been given and graded, a custodian shall allow a person in interest to inspect the examination and the results of the examination, but may not allow the person in interest to copy or otherwise to reproduce the examination.

§4-351. Investigation; intelligence information; security procedures.

(a) *In general.* — Subject to subsection (b) of this section, a custodian may deny inspection of:

(1) records of investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff;

(2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose; or

(3) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff.

(b) *Circumstances under which denial permissible.* — A custodian may deny inspection by a person in interest only to the extent that the inspection would:

(1) interfere with a valid and proper law enforcement proceeding;

(2) deprive another person of a right to a fair trial or an impartial adjudication;

(3) constitute an unwarranted invasion of personal privacy;

(4) disclose the identity of a confidential source;

(5) disclose an investigative technique or procedure;

(6) prejudice an investigation; or

(7) endanger the life or physical safety of an individual.