

(II) A RIGHT TO SUBMIT A STATEMENT OF DISAGREEMENT; OR

(2) THE FAILURE OF THE UNIT TO PROVIDE THE STATEMENT TO A THIRD PARTY.

REVISOR'S NOTE: Subsection (a)(1) of this section is new language added to clarify the unit to which a request is submitted.

Subsections (a)(2) through (e) of this section are new language derived without substantive change from former Art. 76A, §§ 4A and 5(a)(2) and (3).

In subsections (a) and (e)(1)(i) of this section, the defined term "public record" is substituted for the former term "personal record", which was not defined for purposes of former Art. 76A, § 4A. The former term may have been intended to limit correction of a record to the types of records defined as "personal records" in former Art. 76A, § 5A -- now § 10-624 of this subtitle. This intent, however, seems still to be accomplished by the use of the defined term "person in interest", which, in relevant part, means "a person or governmental unit that is the subject of a public record".

In subsection (d)(2) of this section, the term "disputed information" is substituted for the former reference to "information from personal records about which a statement has been filed", since, presumably, the statement is not provided if the disclosed information is not in dispute.

Defined terms: "Person" § 1-101
 "Person in interest" § 10-611
 "Public record" § 10-611

10-626. UNLAWFUL DISCLOSURE OF PERSONAL RECORDS.

(A) LIABILITY.

A PERSON, INCLUDING AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT, IS LIABLE TO AN INDIVIDUAL FOR ACTUAL DAMAGES AND ANY PUNITIVE DAMAGES THAT THE COURT CONSIDERS APPROPRIATE IF:

(1) THE PERSON WILLFULLY AND KNOWINGLY PERMITS INSPECTION OR USE OF A PUBLIC RECORD IN VIOLATION OF THIS PART III OF THIS SUBTITLE; AND

(2) THE PUBLIC RECORD NAMES OR, WITH REASONABLE CERTAINTY, OTHERWISE IDENTIFIES THE INDIVIDUAL BY AN IDENTIFYING FACTOR SUCH AS: