

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404



HARRY HUGHES
GOVERNOR

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ISSUES PAPER--ADDENDUM

1. State Department of Assessments and Taxation

Homeowners' Property Tax Credit Program - Disclosure of Records to
Third Parties.

The State Department of Assessments and Taxation is responsible for administering a Homeowners' Property Tax Credit Program. Since the tax credit is based upon gross family income, it is necessary for the Department to collect a varied amount of personally identifiable data. The following data elements appear on the Homeowners' Property Tax Credit Application form: name, social security number, date of birth, telephone number, property and mailing address, marital status, name of spouse, spouse's social security number, spouse's date of birth, and total gross income from all sources for the previous year, including wages, interest, dividends, unemployment insurance, workmen's compensation, alimony, public assistance grants, social security benefits, and pensions and annuities. Applicants must also furnish copies of their federal income tax returns for the previous year.

During the 1979 session of the General Assembly, an emergency bill was introduced by Delegate Athey to assign a confidential status to Homeowners' Property Tax Credit Program data. The bill, House Bill 668, Article 81, Section 12F-1 to read as follows:

"(m) (1) Notwithstanding any provision of section 300 of this

article, the Comptroller shall supply to the Department the information to aid verification of income as stated in the application.

(2) Except in accordance with proper judicial or legislative order and except to an officer of the State having a right thereto in his official capacity, any officer or employee or former officer or employee of the State or any political subdivision may not divulge or make known in any manner:

- (i) The amount of income or any particulars set forth or disclosed in any application or return obtained pursuant to any provision of Maryland Law; or
- (ii) Any federal return, federal return information, or copies of a federal return or return information required pursuant to any provision of Maryland Law to be attached to or included in any application or State return.

(3) Any person who violates the provisions of this section is guilty of a misdemeanor and shall be punishable by a fine not exceeding \$1,000 or imprisonment for not more than 6 months, or both."

This emergency bill was passed by the General Assembly and became effective on March 23, 1979.

During the same session another bill was introduced pertinent to the Homeowners' Property Tax Credit Program. The basic purpose of Senate Bill 366, introduced by Senator Levitan on January 31, 1979, was to require the Comptroller to assist in the tax credit program. The bill amended the language of Article 81, Section 12F-1 to read as follows:

" (m) 1. Beginning with the Income Tax forms for the 1979 taxable year and for each year after, the Comptroller shall include in the package of income tax forms and instructions the application forms for property tax credits, the necessary instructions for completing the application, and a return envelope.

2. The Comptroller shall cooperate with the Department in the establishment of a procedure for auditing the application forms for the purposes of income verification, and the Comptroller shall assist the Department by performing the audit upon receipt of the applications. Also, despite any provisions of Section 300 of this article, the Comptroller shall supply to the Department additional information to aid verification of income as stated in the application.

3. Upon completion of the audit and no later than June 1 of each year, the Comptroller shall forward the applications to the Department for processing."

This bill was also passed by the General Assembly and signed into law by the Governor, becoming effective July 1, 1979.

As best as can be determined, it appears that the General Assembly inadvertently wiped away the confidentiality measures appearing in House Bill 668 when it passed Senate Bill 366. The language that now appears in the Annotated Code is the language that can be found in Senate Bill 366. The State Department of Assessments and Taxation apparently has assumed since 1979 that the records of the Homeowners' Property Tax Credit Program were confidential according to the provisions of House Bill 668. For example, the application form contains the following statement. "This application Is Not Open To Public Inspection." It seems that the Department has become aware of the error as a consequence of responding to the record-keeping practices survey of the Information Practices Commission. Since House Bill 668 was unintentionally wiped away, Homeowners' Property Tax Credit Program records would appear to be disclosable under the Public Information Act.

2. Department of Licensing and Regulation - Licensing Boards
Records Disclosable Under the Public Information Act

The Division of Occupational and Professional Licensing contains the following Licensing Boards: Architectural Registration, Electrical Examiners, Examining Engineers, Registration For Foresters, Hearing Aid Dealers, Landscape Architects, Motion Picture Machine Operators, Pilot Examiners, Practical Plumbing, Professional Engineers, Professional Land Surveyors, and Public Accountancy. These boards maintain records on approximately 30,000 licensees at the present time. All Records are disclosable under the Public Information Act.

The following types of personally identifiable information can be found in the files of one or more of the various boards: name, home

address, business and residence telephone number, social security number, race, sex, drivers' license number, date of birth, place of birth, citizenship status, names and addresses of previous employers and period of time at each job, height, weight, name of insurance company and policy number for Workmen's Compensation purposes, name of college or university and dates of attendance, names of professional associations or technical organizations to which the licensee belongs, licensee photograph, details pertinent to an arrest or conviction of any crime, details pertinent to any hospitalization for mental illness or disorders, letters of reference, and academic transcripts.

3. Department of Licensing and Regulation - Insurance Division

Records Disclosable Under the Public Information Act

Among the various duties assigned to the Insurance Division is that of issuing licenses to agents. All licensee data is disclosable under the Public Information Act with the exception of information pertinent to the termination of an agent's appointment. The following data collected from applicants can be examined under Article 76A: name, resident and business address, social security number, date of birth, place of birth, name of insurance company and policy number for Workmen's Compensation purposes, sex, marital status, details regarding any arrests, convictions, or licensee suspensions, employment background, and educational background.