

4-102. CONFIDENTIAL RECORDS PROTECTED.

(A) CUSTODY AND USE GENERALLY RESTRICTED.

(1) EACH CONFIDENTIAL RECORD SHALL REMAIN IN THE CUSTODY AND CONTROL OF:

(I) THE DRUG ABUSE ADMINISTRATION, IF THAT ADMINISTRATION ASSEMBLED OR OBTAINED THE CONFIDENTIAL RECORD;

(II) THE JUVENILE SERVICES ADMINISTRATION, IF THAT ADMINISTRATION ASSEMBLED OR OBTAINED THE CONFIDENTIAL RECORD; OR

(III) THE SECRETARY OR AN AGENT OR EMPLOYEE OF THE SECRETARY, IF THE SECRETARY ASSEMBLED OR OBTAINED THE CONFIDENTIAL RECORD.

(2) THE CONFIDENTIAL RECORD MAY BE USED ONLY FOR THE RESEARCH AND STUDY FOR WHICH IT WAS ASSEMBLED OR OBTAINED.

(3) A PERSON MAY NOT DISCLOSE ANY CONFIDENTIAL RECORD TO ANY PERSON WHO IS NOT ENGAGED IN THE RESEARCH OR STUDY PROJECT.

(B) EXCEPTIONS AS TO SUMMARIES OR REFERENCES.

THIS SECTION DOES NOT APPLY TO OR RESTRICT THE USE OR PUBLICATION OF ANY STATISTICS, INFORMATION, OR OTHER MATERIAL THAT SUMMARIZES OR REFERS TO CONFIDENTIAL RECORDS IN THE AGGREGATE, WITHOUT DISCLOSING THE IDENTITY OF ANY PERSON WHO IS THE SUBJECT OF THE CONFIDENTIAL RECORD.

REVISOR'S NOTE: This section is new language that combines, without substantive change, former Article 43, § 1-I(a), (d), and the first sentence of (b), former Article 43B, § 22(a), (d), and the first sentence of (b), and former Article 52A, § 8(b), (d), and the first sentence of (c).

In subsection (b) of this section, the clause "who is the subject of the confidential record" is new language added to clarify those persons whose identity is protected.

Former Article 43, § 1-I(c) and former Article 43B, § 22(c), which stated that CJ §§ 5-302 and 10-205(a) applied to the confidential records of the Secretary and Drug Abuse Administration, respectively, are deleted as misleading in that other provisions of law also apply to those records and as unnecessary since the provisions would apply in any event.