

(6) The court may assess against any defendant governmental entity or entities reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the court determines that the applicant has substantially prevailed.

(c) Whenever the court orders the production of any records improperly withheld from the applicant, and in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record, the court shall forward a certified copy of its finding to the appointing authority of the custodian. Upon receipt thereof, the appointing authority shall, after appropriate investigation, take such disciplinary action as is warranted under the circumstances.

(D) AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL AGENCY SUBJECT TO THIS ARTICLE, A RESEARCHER, OR ANY OTHER PERSON WHO WILLFULLY AND KNOWINGLY VIOLATES ANY PROVISION OF THIS ARTICLE THROUGH DISCLOSURE, ACCESS, OR USE OF PERSONAL RECORDS, AS DEFINED IN SECTION 5A OF THIS ARTICLE, IS LIABLE TO THE SUBJECTS OF THE PERSONAL RECORDS FOR ANY ACTUAL DAMAGES SUSTAINED BY THE SUBJECTS BY THE UNLAWFUL DISCLOSURE, ACCESS, OR USE OF THE PERSONAL RECORDS AND SUCH PUNITIVE DAMAGES AS THE COURT DEEMS APPROPRIATE. THE COURT MAY ASSESS AGAINST ANY DEFENDANT REASONABLE ATTORNEY FEES AND OTHER LITIGATION COSTS REASONABLY INCURRED WHEN THE COURT DETERMINES THAT THE APPLICANT HAS PREVAILED SUBSTANTIALLY.

[(d)] (E) (1) Any person who wilfully and knowingly violates the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed [\$100] \$1,000.

(2) A PERSON WHO, BY FALSE PRETENSES, BRIBERY, OR THEFT, GAINS ACCESS TO OR OBTAINS IN VIOLATION OF THIS ARTICLE A COPY OF ANY PERSONAL RECORDS WHOSE DISCLOSURE IS PROHIBITED TO HIM IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$1,000.

[(e)] (F) Criminal or civil penalties may not be imposed upon a custodian who transfers or discloses the content of any public record to the Attorney General as provided in the "employee disclosure and confidentiality protection" subtitle of Article 64A.

5A.

(A) IN THIS SECTION, "PERSONAL RECORDS" MEANS AND INCLUDES ANY PUBLIC RECORD THAT CONTAINS INFORMATION PERTAINING TO A NATURAL PERSON WHOSE IDENTITY CAN BE ASCERTAINED THEREFROM WITH REASONABLE CERTAINTY EITHER BY NAME, ADDRESS, NUMBER, DESCRIPTION, FINGER OR VOICE PRINT, PICTURE, OR ANY OTHER IDENTIFYING FACTOR OR FACTORS.