

FOR the purpose of providing an exception to the confidentiality of certain retirement records when a county agency is required by local law to conduct audits of those records; limiting the extent of the exception; and prohibiting disclosure of information that would identify the subjects of the records.

BY repealing and reenacting, with amendments,

Article 76A - Public Information
Section 3(c)(xiii)
Annotated Code of Maryland
(1980 Replacement Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 76A - Public Information

3.

(c) The custodian shall deny the right of inspection of the following records or any portion thereof, unless otherwise provided by law:

(xiii) Retirement files or records on individual persons, except that such files or records shall be available to the person in interest and to his appointing authority. After the death of the person in interest, such files or records shall be available to any beneficiary, the personal representative of the estate of the person in interest, and any other person who demonstrates to the satisfaction of the administrators of the retirement and pension systems a valid claim of right to benefits. On request, the custodian shall indicate whether a person is receiving any retirement or pension allowance. WHERE PROVIDED BY LOCAL LAW, THE CUSTODIAN SHALL ALLOW ACCESS TO RETIREMENT FILES TO AN AUDIT AGENCY. THE MEMBERS AND EMPLOYEES OF AN AUDIT AGENCY THAT RECEIVES ACCESS TO RETIREMENT FILES MAY NOT REPORT OR DISCLOSE INFORMATION FROM OTHERWISE ANY CONFIDENTIAL RETIREMENT RECORDS IN A MANNER THAT WOULD IDENTIFY INDIVIDUALS WHO ARE THE SUBJECTS OF THE RECORDS IF A COUNTY BY LAW REQUIRES AN AGENCY OF THE COUNTY TO CONDUCT AUDITS OF RETIREMENT FILES OR RECORDS RELATING TO EMPLOYEES OR FORMER EMPLOYEES OF THE COUNTY, THE CUSTODIAN SHALL ALLOW REVIEW AND INSPECTION OF SUCH FILES AND RECORDS BY EMPLOYEES OF THE AGENCY. THE EMPLOYEES OF THE AGENCY SHALL HOLD AS CONFIDENTIAL ALL INFORMATION OBTAINED PURSUANT TO THAT REVIEW AND INSPECTION. THE AGENCY AND ITS EMPLOYEES MAY NOT DISCLOSE INFORMATION WHICH WOULD IDENTIFY INDIVIDUALS WHO ARE THE SUBJECTS OF THOSE FILES AND RECORDS; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.