

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

In subsection (a)(2) of this section, the reference to the individual not being "the custodian" is substituted for the former reference to the public record not being "in the custody or control of the" individual, since subsection (a)(2)(ii)1. of this section indicates that these provisions are not intended to apply when the individual is the custodian of a public record but, at the time of the specific request, does not have the public record.

Defined terms: "Applicant" § 10-611
"Custodian" § 10-611 "Person" § 1-101
"Public record" § 10-611

10-615. REQUIRED DENIALS -- IN GENERAL.

A CUSTODIAN SHALL DENY INSPECTION OF A PUBLIC RECORD OR ANY PART OF A PUBLIC RECORD IF:

(1) BY LAW, THE PUBLIC RECORD IS PRIVILEGED OR CONFIDENTIAL; OR

(2) THE INSPECTION WOULD BE CONTRARY TO:

(I) A STATE STATUTE;

(II) A FEDERAL STATUTE OR A REGULATION THAT IS ISSUED UNDER THE STATUTE AND HAS THE FORCE OF LAW;

(III) THE RULES ADOPTED BY THE COURT OF APPEALS; OR

(IV) AN ORDER OF A COURT OF RECORD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 76A, § 3(a).

The duty to "deny inspection" is substituted for the former duty to "allow ... inspection ... except on one or more of the following grounds", for clarity and conformity to §§ 10-616 and 10-617 of this subtitle. The duty to allow inspection generally appears in § 10-613 of this subtitle.

Defined terms: "Custodian" § 10-611
"Public record" § 10-611

10-616. REQUIRED DENIALS -- SPECIFIC RECORDS.

(A) IN GENERAL.