

(1) WITHIN 30 DAYS AFTER RECEIVING AN APPLICATION, THE CUSTODIAN SHALL GRANT OR DENY THE APPLICATION.

(2) A CUSTODIAN WHO APPROVES THE APPLICATION SHALL PRODUCE THE PUBLIC RECORD IMMEDIATELY OR WITHIN THE REASONABLE PERIOD THAT IS NEEDED TO RETRIEVE THE PUBLIC RECORD, BUT NOT TO EXCEED 30 DAYS AFTER RECEIPT OF THE APPLICATION.

(3) A CUSTODIAN WHO DENIES THE APPLICATION SHALL:

(I) IMMEDIATELY NOTIFY THE APPLICANT;

(II) WITHIN 10 WORKING DAYS, GIVE THE APPLICANT A WRITTEN STATEMENT THAT GIVES:

1. THE REASONS FOR THE DENIAL;

2. THE LEGAL AUTHORITY FOR THE DENIAL;

AND

3. NOTICE OF THE REMEDIES UNDER THIS PART I OF THIS SUBTITLE FOR REVIEW OF THE DENIAL; AND

(III) PERMIT INSPECTION OF ANY PART OF THE RECORD THAT IS SUBJECT TO INSPECTION AND IS REASONABLY SEVERABLE.

(4) WITH THE CONSENT OF THE APPLICANT, ANY TIME LIMIT IMPOSED UNDER THIS SUBSECTION MAY BE EXTENDED FOR NOT MORE THAN 30 DAYS.

REVISOR'S NOTE: Subsection (a)(1) of this section is new language added to state expressly that a written application is needed. This addition is based on the numerous former references to a "written request" or a "written application".

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)(i)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" § 5-101  
"Custodian" § 5-101 "Person" § 1-101  
"Public record" § 5-101

5-106. REQUIRED DENIALS -- IN GENERAL.