

5-115. UNLAWFUL DISCLOSURE OF PERSONAL RECORDS.

(A) LIABILITY.

A PERSON, INCLUDING AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT, IS LIABLE TO AN INDIVIDUAL FOR ACTUAL DAMAGES AND ANY PUNITIVE DAMAGES THAT THE COURT CONSIDERS APPROPRIATE IF:

(1) THE PERSON WILLFULLY AND KNOWINGLY PERMITS INSPECTION OR USE OF A PUBLIC RECORD IN VIOLATION OF THIS PART I OF THIS SUBTITLE; AND

(2) THE PUBLIC RECORD NAMES OR, WITH REASONABLE CERTAINTY, OTHERWISE IDENTIFIES THE INDIVIDUAL BY AN IDENTIFYING FACTOR SUCH AS:

- (I) AN ADDRESS;
- (II) A DESCRIPTION;
- (III) A FINGER OR VOICE PRINT;
- (IV) A NUMBER; OR
- (V) A PICTURE.

(B) COSTS.

IF THE COURT DETERMINES THAT THE COMPLAINANT HAS SUBSTANTIALLY PREVAILED, THE COURT MAY ASSESS AGAINST A DEFENDANT REASONABLE COUNSEL FEES AND OTHER LITIGATION COSTS THAT THE COMPLAINANT REASONABLY INCURRED.

REVISOR'S NOTE: Subsections (a)(1) and (b) of this section are new language derived without substantive change from former Art. 76A, § 5(d).

Subsection (a)(2) of this section is new language substituted for the former reference to "personal records, as defined in § 5A", for clarity.

Defined terms: "Includes"; "including" § 1-101
"Person" § 1-101 "Public record" § 5-101

5-116. PROHIBITED ACTS; CRIMINAL PENALTIES.

(A) IN GENERAL.

A PERSON MAY NOT:

(1) WILLFULLY OR KNOWINGLY VIOLATE ANY PROVISION OF THIS PART I OF THIS SUBTITLE;

(2) FAIL TO PETITION A COURT AFTER TEMPORARILY DENYING INSPECTION OF A PUBLIC RECORD; OR