

~~(6)~~ (7) (I) THE CUSTODIAN SHALL ADOPT REGULATIONS TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS SUBSECTION.

(II) 1. THE CUSTODIAN SHALL ADOPT REGULATIONS AND PROCEDURES FOR SECURING A PERSON IN INTEREST'S WAIVER OF PRIVACY RIGHTS UNDER THIS SUBSECTION WHEN AN APPLICANT REQUESTS PERSONAL INFORMATION ABOUT THE PERSON IN INTEREST THAT THE CUSTODIAN IS NOT AUTHORIZED TO DISCLOSE UNDER ~~PARAGRAPH (2) OR (3)~~ PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION.

2. THE REGULATIONS AND PROCEDURES ADOPTED UNDER THIS SUBPARAGRAPH SHALL:

A. STATE THE CIRCUMSTANCES UNDER WHICH THE CUSTODIAN MAY REQUEST A WAIVER; AND

B. CONFORM WITH THE WAIVER REQUIREMENTS IN THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT OF 1994 AND OTHER FEDERAL LAW.

~~(7)~~ (8) THE CUSTODIAN MAY DEVELOP AND IMPLEMENT METHODS FOR MONITORING COMPLIANCE WITH THIS SECTION AND ENSURING THAT PERSONAL INFORMATION IS USED ONLY FOR PURPOSES FOR WHICH IT IS DISCLOSED.

10-626.

(a) 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) (I) the person willfully and knowingly permits inspection or use of a public record in violation of this Part III of this subtitle; and

[(2)](II) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:

- [(i)] 1. an address;
- [(ii)] 2. a description;
- [(iii)] 3. a finger or voice print;
- [(iv)] 4. a number; or
- [(v)] 5. a picture[.]; OR

(2) THE PERSON WILLFULLY AND KNOWINGLY OBTAINS, DISCLOSES, OR USES PERSONAL INFORMATION IN VIOLATION OF § 10-616(N) OF THIS SUBTITLE.

(b) 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.