

~~{(f)}~~ ~~(E)~~ If the court determines that the complainant has substantially prevailed, the court may assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

10-626.

(a) ~~(1)~~ ~~IN THIS SUBSECTION, "PERSON" DOES NOT INCLUDE AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT.~~

~~(2)~~ 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 THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

~~{(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

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

1. an address;
2. a description;
3. a finger or voice print;
4. a number; or
5. a picture; or

~~{(2)}~~ ~~(H)~~ the person willfully and knowingly obtains, discloses, or uses personal information in violation of § 10-616(p) of this subtitle.

(b) ~~(1)~~ ~~IN THIS SUBSECTION, "DEFENDANT" INCLUDES AN OFFICER OR EMPLOYEE OF A GOVERNMENTAL UNIT.~~

~~(2)~~ 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.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) §§ 10-613(a)(2) and 10-614(b)(1) of the State Government Article as enacted by Section 1 of this Act may not be construed as expanding the right to inspect or copy a record; and

(b) § 10-613(c) of the State Government Article as enacted by Section 1 of this Act may not be construed as creating a cause of action if a custodian does not designate specific types of records that are to be made immediately available.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved May 6, 2002.