Subtitle 40 MARYLAND CENTER FOR SCHOOL SAFETY

14.40.02 Inspection of and Copying of Public Records

Authority: Education Article, §7-1503(g); General Provisions Article, §4-101, et seq.; Annotated Code of Maryland

Notice of Proposed Action
[19-243-P]

The Maryland Center for School Safety proposes to adopt new Regulations .01—.16 under a new chapter, COMAR 14.40.02 Inspection of and Copying of Public Records, under a new subtitle, Subtitle 40 Maryland Center for School Safety.

Statement of Purpose
The purpose of this action is to set forth procedures for the disclosure, inspection, or copying of public records maintained by the Maryland Center for School Safety.

Comparison to Federal Standards
There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact
The proposed action has no economic impact.

Economic Impact on Small Businesses
The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities
The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment
Comments may be sent to Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street Baltimore MD 21201, or call 410-281-2335, or email to admin.mcss@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

.01 Purpose.
This chapter sets forth procedures for the disclosure, inspection, or copying of public records maintained by the Maryland Center for School Safety.

.02 Policy.
It is the policy of the Maryland Center for School Safety to facilitate public access to the Center’s public records when access is authorized by law.

.03 Definitions.
A. In this chapter, the following terms have the meanings indicated.
B. Terms Defined.
(1) “Act” means the Public Information Act, General Provisions Article, Title 4, Annotated Code of Maryland.
(2) “Advisory Board” has the meaning stated in Education Article, §7-1501, Annotated Code of Maryland.
(3) “Applicant” has the meaning stated in General Provisions Article, §4-101(b), Annotated Code of Maryland.
(4) “Center” means the Maryland Center for School Safety, its Subcabinet, Advisory Board to the Subcabinet, advisory councils, workgroups, and committees, any other public bodies under the authority and acting on behalf of the Maryland Center for School Safety, and any employees, agents, or contractors acting on behalf of the Maryland Center for School Safety.

(5) “Custodian” has the meaning stated in General Provisions Article, §4-101(d), Annotated Code of Maryland.
(6) “Executive Director” means the Executive Director of the Maryland Center for School Safety, as set forth in Education Article, §7-1502(d), Annotated Code of Maryland.
(7) “Official custodian” has the meaning stated in General Provisions Article, §4-101(j), Annotated Code of Maryland.
(8) “Person in interest” means:
   (a) A person or governmental unit that is the subject of a public record;
   (b) An authorized designee of the person or governmental unit that is the subject of a public record; or
   (c) If the person has a legal disability, a parent or legal representative of the person that is the subject of a public record.
(9) “Public record” has the meaning stated in General Provisions Article, §4-101(j), Annotated Code of Maryland.
(10) “Subcabinet” has the meaning stated in Education Article, §7-1501, Annotated Code of Maryland.
(11) “Working day” means a day other than Saturday, Sunday, or a State holiday or service reduction day.

.04 Official Custodian.
A. The Executive Director shall designate an official custodian of public records for the Center.
B. The website for the Center shall provide the name and contact information for the custodian of public records.

.05 Who May Request Public Records.
Any person may request to inspect or copy public records of the Center.

.06 Necessity for Written Request.
A. Inspection.
   (1) Except as otherwise provided in this chapter, the custodian shall make public records of the Center available for inspection by an applicant without demanding a written request.
   (2) The custodian shall require a written request if the custodian reasonably believes that:
      (a) The Act or any other law may prohibit the disclosure of the public record to the applicant; or
      (b) A written request will materially assist the Center in responding.
B. Copies. If the applicant requests a copy of any public record of the Center, the custodian may require a written request.

.07 Contents of Written Request.
A written request shall:
A. Contain the applicant’s name and address; and
B. Be signed by the applicant, or transmitted via email as an electronic signature;
C. Reasonably identify, by brief description, the public record sought; and
D. Specify an alternate format, if applicable, due to a disability.

.08 Addressee.
A request to inspect or copy a public record shall be addressed or directed to the custodian of the record. If the custodian is unknown, the request may be addressed or directed to the Executive Director.

.09 Response to Request.
A. If the custodian decides to grant a request for inspection, the custodian shall produce the public record for inspection, without unreasonable delay, as follows:
   (1) Immediately for records designated by the Center for inspection, as set forth in §B of this regulation; or
(2) If additional time is needed to retrieve the public record and conduct any necessary review, within a reasonable time period, not to exceed 30 days after the date of the request.

B. The custodian shall designate the following public records for immediate inspection:
   (1) Minutes of the Subcabinet;
   (2) Minutes of the Advisory Board;
   (3) Bylaws of the Subcabinet; and
   (4) Bylaws of the Advisory Board.

C. If the custodian decides to deny a request for inspection, the custodian shall:
   (1) Do so within 30 days of receipt of the request; and
   (2) Immediately notify the applicant of the denial.

D. If a request is denied, the custodian shall provide the applicant with the time of the denial or within 10 working days, a written statement setting forth:
   (1) The reason for the denial;
   (2) The legal authority for the denial; and
   (3) Notice of the remedies available for review of the denial.

E. If a requested public record is not in the custody or control of the custodian to whom application is made, the custodian shall, within 10 working days after receipt of the request, notify the applicant:
   (1) That the custodian does not have custody or control of the requested public record; and
   (2) If the custodian knows, of:
      (a) The name of the custodian of the public record; and
      (b) The location or possible location of the public record.

F. With the consent of the applicant, any time limit imposed by §§A—C of this regulation may be extended for an additional period of up to 30 days.

.10 Notice to Person Possibly Affected by Disclosure.
A. Unless prohibited by law, the custodian may provide notice of a request for inspection or copying of any public record of the Center to any person who, in the judgment of the custodian, could be adversely affected by disclosure of the public record.

B. The custodian may consider the views of the possibly affected person before deciding whether to disclose the public record to an applicant.

.11 Public Record Temporarily Unavailable.
If a requested public record of the Center is in the custody and control of the person to whom application is made but is not immediately available for inspection or copying, the custodian shall promptly:
A. Notify the applicant that the public record is not immediately available; and
B. Schedule a date within a reasonable time for inspection or copying.

.12 Public Record Destroyed or Lost.
If the custodian knows that a requested public record of the Center has been destroyed or lost, the custodian shall promptly:
A. Notify the applicant that the public record is not available; and
B. Explain the reasons why the public record cannot be produced.

.13 Review of Denial.
A. If the custodian denies a request to inspect or copy a public record of the Center, the applicant may file an action for judicial enforcement under General Provisions Article, §4-362, Annotated Code of Maryland, without pursuing the remedies set forth in §§B and C of this regulation.

B. If the custodian charges a fee of more than $350 under Regulation .15 of this chapter, the applicant may, within 90 days after the date the fee is imposed, file a written complaint with the State Public Information Act Compliance Board under General Provisions Article, §4-1A-05(a), Annotated Code of Maryland.

C. The applicant and the custodian each may contact the Public Access Ombudsman to resolve, under General Provisions Article, Title 4, Subtitle 1B, Annotated Code of Maryland, a dispute relating to requests for public records.

.14 Disclosure Against Public Interest.
A. Denial Pending Court Order.
   (1) If, in the opinion of the Executive Director, disclosure of a public record of the Center otherwise subject to disclosure under the Act would do substantial injury to the public interest, the Executive Director may temporarily deny the request to obtain a court order allowing nondisclosure.
   (2) A temporary denial shall be in writing.

B. Circuit Court Review.
   (1) Within 10 working days after the denial, the Executive Director shall apply to the appropriate circuit court for an order permitting continued denial or restriction of access.
   (2) Notice of the Executive Director’s complaint, on behalf of the Center, shall be served on the applicant in the manner provided for service of process under the Maryland Rules.

.15 Fees.
A. Except as provided in §§B and C of this regulation, the fee schedule for copying and certifying copies of public records of the Center is as follows:
   (1) For each copy made by a photocopier within the Center, 25 cents per page;
   (2) For each copy made other than by a photocopier within the Center, the actual cost of reproduction; and
   (3) For certification as a true copy of a public record, an additional fee of $1 per page or, if appropriate, per item.

B. Minimum Fee. A charge may not be made if the total fee is $1 or less.

C. If the fee for copies or certified copies of any public record of the Center is specifically set by a law other than the Act or this regulation, the custodian shall charge the prescribed fee.

D. If the custodian cannot copy a public record within the Center, the custodian shall make arrangements for the prompt reproduction of the record at public or private facilities outside the Center. The custodian shall:
   (1) Collect from the applicant a fee to cover the actual cost of reproduction; or
   (2) Direct the applicant to pay the cost of reproduction directly to the facility making the copy.

E. Before copying a public record of the Center, the custodian shall estimate the cost of reproduction and either:
   (1) Obtain the agreement of the applicant to pay the cost; or
   (2) Require prepayment of the cost.

F. Except as provided in §G of this regulation the custodian may charge a reasonable fee for time that an official or employee of the Center spends to:
   (1) Search for requested public records; or
   (2) Prepare public records for inspection and copying.

G. The custodian may not charge a search or preparation fee for the first 2 hours that an official or employee of the Center spends to respond to a request for public records.

H. The Center may charge a reasonable hourly fee based on the actual cost to the Center for staff services for additional time required to search for or prepare public records for inspection and copying.

I. Waiver or Reduction of Fee.
   (1) The custodian may waive or reduce any fee under this regulation if:
      (a) The applicant requests a waiver; and
Subsection 40 MARYLAND CENTER FOR SCHOOL SAFETY
14.40.03 Correction or Amendment of Public Records

Authority: Education Article, §7-1503(g); General Provisions Article, §4-502; Annotated Code of Maryland

Notice of Proposed Action
[19-245-P]

The Maryland Center for School Safety proposes to adopt new Regulations .01—.11 under a new chapter, COMAR 14.40.03 Correction or Amendment of Public Records, under a new subtitle, Subtitle 40 Maryland Center for School Safety.

Statement of Purpose
The purpose of this action is to set procedures under which a person in interest may request the correction or amendment of public records of the Maryland Center for School Safety.

Comparison to Federal Standards
There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact
The proposed action has no economic impact.

Economic Impact on Small Businesses
The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities
The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment
Comments may be sent to Kate Hession, Executive Director, Maryland Center for School Safety, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-281-2335, or email to admin.mcss@maryland.gov, or fax to 410-510-1123. Comments will be accepted through January 6, 2020. A public hearing has not been scheduled.

.01 Scope.
This chapter sets out procedures under which a person in interest may request the correction or amendment of public records of the Maryland Center for School Safety.

.02 Definitions.
A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.
(2) “Center” means the Maryland Center for School Safety.
(3) “Custodian” has the meaning stated in General Provisions Article, §4-101(d), Annotated Code of Maryland.
(4) “Executive Director” means the Executive Director of the Maryland Center for School Safety, as set forth in Education Article, §7-1502(d), Annotated Code of Maryland.
(5) “Person in interest” has the meaning stated in General Provisions Article, §4-101(g), Annotated Code of Maryland.
(6) “Public record” has the meaning stated in General Provisions Article, §4-101(j), Annotated Code of Maryland.

.03 Who May Request.
A person in interest may request that the Center correct or amend any public record that:
A. The Center keeps; and
B. The person in interest is authorized to inspect.

.04 Contents of Request.
A. A person in interest shall make a request to correct or amend a public record in writing.
B. The request shall:
(1) Identify the public record to be corrected or amended;
(2) State the precise correction or amendment requested;
(3) State the reason for the correction or amendment; and
(4) Include a statement that, to the best of the requester’s belief, the public record is inaccurate or incomplete.

.05 Addresser.
A request to correct or amend a public record shall be addressed to the custodian of the record. If the custodian is unknown, the request shall be addressed to the Executive Director.

.06 Return of Nonconforming Request.
A. The Center shall accept a request to correct or amend a public record when it is received if it reasonably complies with Regulations .04 and .05 of this chapter.
B. If the request does not reasonably comply with Regulations .04 and .05 of this chapter, the Center shall return the request to the requestor with:
(1) An explanation of the reason for the return; and
(2) A statement that, on receipt of a request that reasonably complies with Regulations .04 and .05 of this chapter, the request will be accepted.