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February 9, 2004

The Honorable Joanne Parrott
326 Lowe House Office Building
Annapolis, Maryland 21401-1991

Dear Delegate Parrott:

You have requested advice on whether the employment contract made between the Board of Trustees of the Harford Community College and its president is a public record subject to disclosure under the Public Information Act (PIA), State Government (SG) Article, §§10-611 - 10-623.

Under the PIA, the Board of Trustees is a records "custodian" and the employment contract is a "public record". See SG Article, §10-611(c)(d) and (g). There is no general exemption in the PIA for employment contracts. In fact, the law expressly contemplates that documents evidencing the salary or earnings of public officers or employees be disclosed. See SG Article §10-611 (g)(2). Thus, a public record disclosing a public officer's or employee's compensation arrangement cannot be exempt from the PIA as a personnel record. SG Art. §10-616(i). Nor would the exemption for records of an individual person's finances, SG Art. §10-617(f) bar disclosure of a compensation document. See *83 Opinions of the Attorney General* 192 (1998).¹

Just as there is no PIA exemption for compensation data, there is no exemption for descriptions in a contract of the parties' duties or other standard contractual items. Having not seen the contract in question, I do not know if it contains any unique provision that

¹ This 1998 opinion concludes that the PIA requires more than disclosure of "salary" information. Rather, the Attorney General construed the term "salary" to include any compensation arrangement, such as a bonus. Clearly, under this construction of the law, a document describing a severance package must be disclosed.

The Honorable Joanne Parrott

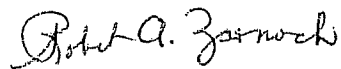
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might trigger the application of some other PIA exemption. However, even if an exemption exists as to some portions of the contract, it would not prevent disclosure of those parts of the contract clearly required under the PIA, such as the compensation terms.

I hope this is responsive to your inquiry.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. Zarnoch".

Robert A. Zarnoch
Assistant Attorney General
Counsel to the General Assembly

RAZ:ads