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THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

August 20, 2004

The Honorable Dereck Davis  
151 Lowe House Office Building  
Annapolis, Maryland 21401-1991

Dear Delegate Davis:

You have asked for advice concerning a request by an educational planning firm hired by Prince George's County for a geocoded students file. This request is directed to the County Board of Education, which is represented by its own counsel, who may have different views. It is my view, however, that release of the requested information would probably violate the Maryland Public Information Act.

Your request is prompted by the request of DeJONG, a private contractor hired by the Prince George's County Council to study overcrowding issues and to make recommendations on high school construction in the County, for information from the school board, including attendance boundaries for all high schools, a geocoded student file, and a current Centerline or Roads file. The information has been requested in electronic format.<sup>1</sup>

Your question involves the request for the geocoded student file. The contractor has recommended that information such as names, telephone numbers, test scores and student information be stripped from the files, but they would include student addresses, grade level, school, ethnicity, and lunch code. Geocoding is the process of determining and assigning latitude-longitude coordinates and associated geocodes for address-oriented data. The result is a number that represents a small area of a single street on which the student lives. As a result, it would not be difficult for a person with the geocoded file to identify students and addresses with the grade level, school, ethnicity and lunch code data in the file.

The Maryland Public Information Act, State Government Article § 10-616(k)(1) requires the custodian of a school district record to deny inspection of a record "about the home phone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a

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<sup>1</sup> This office has taken the position that the agency, not the requester, has the right to select the format of disclosure. However, it is also the position of the office that "agencies should voluntarily accede to the requester's choice of format unless doing so imposes a significant, unrecoverable cost or other burden on the agency." *Maryland Public Information Act Manual* 10 (9<sup>th</sup> Ed. 2004).

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student.” Exceptions are made for disclosure to the student or the parents of the student, § 10-616(k)(2), to certain elected and appointed officials, § 10-616(k)(2), and to certain groups such as the PTA, military recruiters, and certain other groups not relevant here, § 10-616(k)(3). The Public Information Act governs disclosures to other government agencies as well as to members of the public. State Government Article §§ 10-612 and 10-613(a).

Because the disclosure of the requested geocoded files would involve the disclosure of information that is not subject to disclosure under the Public Information Act, it is my view that such disclosure could raise problems under the Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathryn M. Rowe', with a long horizontal flourish extending to the right.

Kathryn M. Rowe  
Assistant Attorney General

KMR/kmr  
davis02.wpd