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104 LEGISLATIVE SERVICES BUILDING  
90 STATE CIRCLE  
ANNAPOLIS, MARYLAND 21401-1991  
AREA CODE 301  
BALTIMORE & LOCAL CALLING AREA 841-3889  
WASHINGTON METROPOLITAN AREA 858-3889  
TTY FOR DEAF - ANNAPOLIS 841-3814 - D.C. METRO 858-3814

April 21, 1983

Honorable Harry Hughes  
Governor of Maryland  
State House  
Annapolis, Maryland 21401

Re: House Bill 862

Dear Governor Hughes:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bill 862, a bill which amends the Public Information Act, Art. 76A, §§ 1-5 ("the Act"). The bill adds to the Act a new § 4A under which the subject of a personal record may ask a State agency<sup>1/</sup> to make corrections in the record and upon the agency's refusal to do so, the person may submit a statement for inclusion with the record.

Under the existing provisions of the Public Information Act, "any person denied the right to inspect any record covered by this article" may seek direct judicial enforcement of his right under § 5(b). House Bill 862 does not amend this subsection. Thus, the bill does not confer this particular right of judicial review upon a person aggrieved by agency actions with respect to personal records under new § 4A. However, because House Bill 862 does amend § 5(a) which gives an aggrieved party the opportunity for "administrative review" of agency decisions " in accordance with §§ 251 through 254 of

<sup>1/</sup> Although the Public Information Act applies to public agencies generally, both State and local, see Art. 76A, § 1, the bill clearly applies only to State agencies. See p. 3, lines 6 and 7.

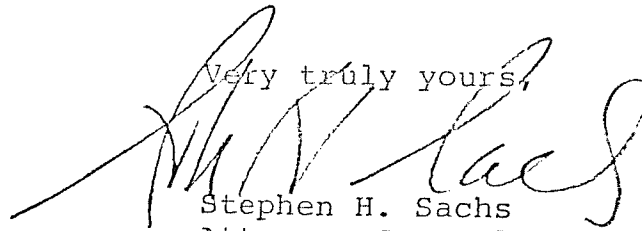
Honorable Harry Hughes

-2-

April 21, 1983

Article 41", a person seeking judicial review of agency actions with respect to personal records under new § 4A will have such a right under § 255 of Art. 41 (judicial review of contested cases).2/

Very truly yours,



Stephen H. Sachs  
Attorney General

SHS/REI/RAZ:ipb

cc: Hon. Lorraine Sheehan  
Hon. Nancy K. Kopp  
Carl Eastwick, Esq.  
Carvel

2/ Judicial review under § 255 of Art. 41 differs from that under §5(b) of Art. 76A in that the former is generally an "appeal on the record", while the latter is more akin to a trial or evidentiary proceeding.