

December 18, 1974

Mr. John J. Corbley
Executive Director
Maryland Automobile Insurance
Fund
1900 Sulphur Spring Road
Baltimore, Maryland 21227

RE: Public Information Act - Article 76A,
§§1-6, Code 1957 - Washington Post
Inquiries

Dear Mr. Corbley:

You asked about the extent of disclosure required under the Public Information Act, Article 76A, §§1-6 Maryland Code 1957, with particular reference to an inquiry by a Washington Post newspaper reporter. Specifically, the reporter asked you to provide a list of all lawyers, doctors and independent adjusters used by the Maryland Automobile Insurance Fund, plus a list of the Fund's employees. His request for the names of all current employees caused you the most concern, since you questioned whether the Fund might be under a legal obligation to safeguard its employees against potential public embarrassment.

I believe that the provisions of the Public Information Act compel disclosure of the requested information, including the names of all employees. Section 2(a) of the Act delineates the rule of liberal disclosure of "public records" established under the statute; it provides:

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"(a) All public records shall be open for inspection by any person at reasonable times, except as provided in this article or as otherwise provided by law, but the official custodian of any public records may make such rules and regulations with reference to the inspection of such records as shall be reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office."
(emphasis added).

The term "public records" is broadly defined as follows:

"The term 'public records' when not otherwise specified shall include any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map drawing or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by the State and any counties, municipalities and political subdivisions thereof and by any agencies of the State, counties and municipalities, and political subdivisions thereof, or received by them in connection with the transaction of public business, except those privileged or confidential by law. . . ."

"Public records" are classified into two categories: "official public records" and "office files and memoranda", under §2(b) of the Act. The term "office files and memoranda" is defined as follows:

"(b)(ii) The term 'office files and memoranda' shall include all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not above defined and classified as official public records; all dup-

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licaste copies of official public records filed with any agency of the State or subdivision thereof; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; and all other documents or records, determined by the records committee to be office files and memoranda."

The records from which a list of MAIF's employees may be obtained - for example, payroll records - undoubtedly fall within this definition of "public records". They are within the category of "office files and memoranda", which includes ". . . all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; . . .". MAIF must be regarded as an agency of the State for the purposes of this statute.

Exclusions from the broad requirement of disclosure of public records are set forth in §3 of the Act. A careful review of the possible grounds of non-disclosure of public records enumerated in that statutory section fails to reveal any basis for denying access to the names of MAIF's employees. Under §3(c)(iii) "Personnel files" are exempted from disclosure; however, I do not believe that the names of employees can be regarded as a protected part of their personnel files.

The last sentence of §1(a) of the Act states that the term "public records" shall include ". . . the salaries of all State employees, both in the classified and nonclassified service, . . .". If the salaries of State employees must be disclosed, then a fortiori their names must be disclosed, as well.

As for the requested listing of the names of lawyers, doctors and adjustors used by MAIF, there can be no serious

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question that this information must be held open for public inspection.

I hope this response sufficiently answers your inquiry.

Very truly yours,

Ransom J. Davis

RJD:esb

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