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Daniel I. Sherry, Esquire  
Attorney for the Board of Trustees  
of Prince George's Community College  
3327 Superior Lane  
Bowie, Maryland 20715

Dear Mr. Sherry:

In a recent letter, you have requested our opinion as to whether the salaries of employees of Prince George's Community College must be disclosed to the public upon request pursuant to the provisions of the Public Information Act, Article 76A of the Annotated Code of Maryland (1975 Replacement Volume, 1975 Cumulative Supplement). You have noted that the "primary" source of information concerning an individual employee's salary is his personnel file although such information is also contained in a number of "subsidiary" files. For the reasons stated hereinafter, we are of the opinion that the salaries of all persons employed at Prince George's Community College are subject to disclosure under the Public Information Act, regardless of which files may be considered the "Primary" source of salary information.

The Public Information Act provides generally for public inspection of "public records". Section 1(a) defines "public records" to include a variety of types of records which "have been made by the State and any counties, municipalities and political subdivisions thereof and by any agencies of the State, counties, municipalities, and political subdivisions thereof...". The last sentence of Section 1(a) makes it absolutely clear that "public records"

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includes "the salaries of all State employees, both in the classified and non-classified service, and all county and municipal employees, whether in a classified or non-classified service." We have no doubt that the salaries of employees at Prince George's Community College are "public records" as defined in the Act, for, although Boards of Trustees of Community Colleges may be State agencies for some purposes and local agencies for other purposes, the Act is applicable to both State and local agencies. Similarly, salaries of both State and local employees are "public records".

Under Section 3 of the Public Information Act, the custodian of any public records must allow any person a right of inspection of any such records which do not fall within certain statutory exceptions. One such exception is "personnel files". Article 76A, Section 3(c) (iii). The apparent purpose of your informing us that the "primary" source of salary information is "personnel files" is to determine whether the maintenance of salary information in those files effectively insulates that information from public disclosure. We do not hesitate to conclude that it does not.

The last sentence of Section 1(a) of the Public Information Act, quoted above, was added by a 1973 Amendment to the Act. Laws of Maryland, 1973, Chapter 63. The Amendment evidences a strong and unequivocal legislative purpose that the salaries of public employees should be subject to disclosure under the Act. We do not feel that this purpose may be frustrated by maintaining the information in files not otherwise subject to disclosure. Even if the information were not contained in other files of the Community College, we would conclude that the custodian of the personnel files must collect the information from those files and disclose it to the public upon proper request. However, your letter indicates that the information is contained in other records, which, presumably, do not fall within any specific statutory exception to the Public Information Act. Section 3(b) of the Act provides for the official custodian of records to apply for a court order to restrict disclosure if it would do substantial injury to the public interest notwithstanding that the records may be subject to public inspection otherwise. This provision ordinarily would not apply to salary information.

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In conclusion, we are of the opinion that salary information with respect to employees at Prince George's Community College generally is subject to disclosure under the Public Information Act, either by permitting access to files other than personnel files which contain the information, or by collecting the information from the personnel files and maintaining it as a separate record.

We trust this fully answers your inquiry.

Very truly yours,

Walter G. Lohr, Jr.  
Assistant Attorney General

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