

Chapter 11:

The Right to Correction or Amendment of Public Records

Under GP § 4-502, a person in interest may request that a State agency correct or amend public records, including personnel files, that the person has a right to inspect and believes are inaccurate or incomplete. Local agencies are not covered by this section. Under some circumstances, death certificates are subject to correction pursuant to GP § 4-502. 1992 Md. Laws, ch. 547.¹

A. Agency Responsibility

Within 30 days after receiving a written request for correction or amendment, the agency must inform the requester either that the requested change has been made or give written notice of the agency's refusal and the reason for it. GP § 4-502(c). Once informed of a refusal, the person may file with the agency a statement of the reasons for the requested change and for the disagreement with the agency's decision. The agency must then include this statement in any disclosure of the public records to a third party. GP § 4-502(d). If the unit is an agency subject to the contested case procedures of the Administrative Procedure Act, the person may seek administrative and judicial review of the agency's decision to deny the requested change or of any failure by the unit to provide the statement to a third party. GP § 4-502(e).

B. Enforcement

GP § 4-502 provides for administrative and judicial review pursuant to the Administrative Procedure Act. The judicial review provisions of GP § 4-362 are not triggered in this situation, because a denial of the "right to inspect" has not occurred.

¹ Chapter 547 reversed an opinion of this office concluding that the PIA records correction mechanism was not available for correction of death certificates. 76 *Opinions of the Attorney General* 276 (1991). The term "person in interest" is specially defined for purposes of correction of a death certificate. See GP § 4-101(g).

See Bill Review Letter from Attorney General Sachs to Governor Hughes re: House Bill 862 (April 21, 1983).

C. Regulations

The Office of the Attorney General has developed model regulations to implement GP § 4-502. *See* Appendix F, Chapter 2. Regulations based on earlier revisions of this model have been adopted by several State agencies. *See, e.g.* COMAR 11.01.15 (regulations of the Department of Transportation) and COMAR 15.01.06 (regulations of the Department of Agriculture).