

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 10/1/96

Reference No.: CB-83-1996

Proposer: Estep

Draft No.: 3

Sponsors: Estep, Scott

Item Title: To protect the confidentiality of certain personal information and personal records in accordance with State law and make conforming corrections and amendments to the Code, and provide penalties for unauthorized disclosure

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel: Peter Lupo
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/9/96

Executive Action: 11/15/96 S

Committee Referral:(1) 7/9/96 PSFM

Effective Date: 12/31/96

Committee Action:(1) 7/16/96 HELD

Committee Action:(2) 9/19/96 FAV(A)

Date Introduced: 10/1/96

Pub. Hearing Date: (1) 10/29/96 1:30 P.M.

Council Action: (1) 10/29/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:-, AMc:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks:

10/29/96 - DR-2 Amended on the Floor

PUBLIC SAFETY AND FISCAL MANAGEMENT COMMITTEE REPORT Date: 9/19/96

Committee Vote: Favorable, with amendments, 4-0, (In favor: Council Members Estep, Bailey, Scott and Maloney).

This bill will amend the County Code to conform with the State law on the confidentiality of personal information and personal records and provide a penalty for violations in an amount not to exceed \$1,000.

On 7/16/96 the Committee agreed to hold this legislation and allow the representatives from the Police Department, Corrections Department and the Office of Personnel and Labor Relations to meet with the Legislative Officer and discuss their concerns. The various concerns of the Departments are included in Draft 2.

The Office of Law expressed concerns as to whether they would retain the right to access personnel files as necessary when the applicant's or employee's employment status is at issue through a legal proceeding. The Committee stated that it was not the intent of this legislation to preclude such access by the Office of Law.

The representatives for AFSCME Local 2462 and 2735, the Professional Fire Fighters Association, and the Fraternal Order of Police (FOP) expressed their support for this legislation.

The Director of the Office of Personnel and Labor Relations stated that the confidentiality issue in this legislation could be addressed administratively through Administrative Procedure 262 (AP262). The current procedure in AP262 which addresses confidentiality of personnel files could be strengthened through administrative revisions and training.

There may be some fiscal impact on the County related to printing and postage. Any amount would be minimal. Likewise, any fines collected for violations would offset or exceed the cost associated with printing and postage as a result of enacting CB-83-1996.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation will amend County laws pertaining to personal information which is required by State law to be confidential. The legislation requires notice to individuals when their files or records are examined and provides criminal penalties of up to a \$1,000 fine for violations.

CODE INDEX TOPICS:

Personnel

Personnel Records

<u>Criminal penalties; violations</u>	<u>16-217.01</u>
Department or agency personnel files	16-217