

IN THE COURT OF APPEALS OF MARYLAND

RULES ORDER

WHEREAS, on April 17, 2017, this Court's Standing Committee on Rules of Practice and Procedure submitted its One Hundred Ninety-Third Report in which it proposed deletion of subsection (b) (2) (B) of then Rule 16-909 (now Rule 16-910); and

WHEREAS, the Chair, in his letter to the Court summarizing the proposed amendments contained in the One Hundred Ninety-Third Report, described substantive changes to five Rules in Title 16, Chapter 900, together with conforming amendments to nineteen additional Rules; and

WHEREAS, at an open meeting on June 20, 2017, notice of which was posted as prescribed by law, the Court, having been presented with the proposed amendments to Rule 16-909 (now Rule 16-910), noted as conforming changes at the open meeting, adopted them with an effective date of August 1, 2017; and

WHEREAS, the Court having been informed by the Chair of the Rules Committee, after reviewing the development of the proposed amendments within the Rules Committee, that the proposed deletion of subsection (b) (2) (B) was an unintended and inadvertent procedural mistake; and

WHEREAS, having considered that conclusion and after an open meeting, notice of which was posted as prescribed by law, the Court finds that the proposed amendment was, indeed, an unintended and inadvertent procedural mistake that should be corrected as soon as possible, it is this 6th day of March, 2018,

ORDERED, by the Court of Appeals of Maryland, that an amendment to Rule 16-910 be, and it is hereby, adopted effective immediately, in the form attached to this Order; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the
Maryland Judiciary.

/s/ Mary Ellen Barbera

Mary Ellen Barbera

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

/s/ Sally D. Adkins

Sally D. Adkins

/s/ Robert N. McDonald

Robert N. McDonald

/s/ Shirley M. Watts

Shirley M. Watts

/s/ Michele D. Hotten

Michele D. Hotten

/s/ Joseph M. Getty

Joseph M. Getty

Filed: March 6, 2018

/s/ Bessie M. Decker

Clerk

Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 900 - ACCESS TO JUDICIAL RECORDS

AMEND Rule 16-910 by restoring former subsection (b) (2) (B) to the Rule, as follows:

Rule 16-910. ACCESS TO ELECTRONIC RECORDS

(a) In General

Subject to the other Rules in this Title and in Title 20 and other applicable law, a judicial record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.

(b) Denial of Access

(1) Restricted Information

A custodian shall take reasonable steps to prevent access to restricted information, as defined in Rule 20-101 (t), that the custodian is on notice is included in an electronic judicial record.

(2) Certain Identifying Information

(A) In General

Except as provided in subsection (b) (2) (B) of this Rule, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in:

- (i) a criminal action,
- (ii) a juvenile delinquency action under Code, Courts Article, Title 3, Subtitle 8A,
- (iii) an action under Code, Family Law Article, Title 4, Subtitle 5 (domestic violence), or
- (iv) an action under Code, Courts Article, Title 3, Subtitle 15 (peace order).

(B) Exception

Unless shielded by a protective order, the name, office address, office telephone number and office e-mail address, if any, relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, may be remotely accessible.

~~(B)~~ (C) Notice to Custodian

A person who places in a judicial record identifying information relating to a witness shall give the custodian written or electronic notice that such information is included in the record, where in the record that information is contained, and whether that information is not subject to remote access under this Rule, Rule 1-322.1, Rule 20-201, or other applicable law. Except as federal law may otherwise provide, in the absence of such notice a custodian is not liable for allowing remote access to the information.

(c) Availability of Computer Terminals

Clerks shall make available at convenient places in the

courthouses computer terminals or kiosks that the public may use free of charge in order to access judicial records and parts of judicial records that are open to inspection, including judicial records as to which remote access is otherwise prohibited. To the extent authorized by administrative order of the Chief Judge of the Court of Appeals, computer terminals or kiosks may be made available at other facilities for that purpose.

Cross reference: Rule 20-109.

Source: This Rule is derived from former Rule 16-1008.1 (2016).