

the Governor or the Chief Executive of a local jurisdiction."

Certainly, one cannot quarrel with a prohibition against a governmental agency maintaining records about individuals that are not relevant or necessary to an authorized governmental function of the agency. However, the language used in this new section is, I believe, far more restrictive than is either necessary or desirable to achieve the objective of the section.

As I read the section, information may be kept about a person only if:

(1) the information is relevant and necessary to accomplish a purpose of the agency; and

(2) that purpose is required to be accomplished by (i) statute, (ii) Executive Order of the Governor, or (iii) Executive Order of the Chief Executive of a local jurisdiction.

This second requirement raises several problems.

First, there are at least three agencies that must keep records about individuals to achieve a proper governmental purpose that is not required to be achieved either by statute or executive order. These are:

(1) The Commission on Judicial Disabilities, whose creation, authority, procedures, and purpose are provided for by Article IV of the Constitution and by Rule 1227 of the Court of Appeals;

(2) The Attorney Grievance Commission, whose creation, authority, procedures, and purpose are provided for solely by the BV Rules of the Court of Appeals; and

(3) The Client Security Trust Fund, whose creation, authority, procedures, and purpose are provided for solely by Rule 1228 of the Court of Appeals.

Although it may be that the Commission on Judicial Disabilities cannot Constitutionally be affected by this new section, such a result cannot be assumed; the other two agencies, operating solely under Court rule, would clearly be precluded from keeping records by this bill.

The State Court Administrator shares my concerns with respect to these agencies, and has requested that the bill be vetoed for that reason.

Second, there are many instances in the Code where statutes authorize, but do not require, a particular objective to be achieved by an agency. See, for example,