

In item (2) of this subsection, the word "individual" is substituted for the former word "person", which, as defined in former Art. 76A, § 1(h), included an individual or an entity such as a corporation or governmental unit. This substitution is based on the word "personal", which formerly modified the word "custody" and indicated that, in former Art. 76A, § 1(g), "person" meant an individual with physical custody of a public record. This substitution also is consistent with the revision of the definition of "official custodian" in subsection (d) of this section.

Also in item (2) of this subsection, the word "physical" is substituted for the former word "personal", since the former word also may denote "unofficial".

Also in item (2) of this subsection, the phrase "in question", which formerly modified the defined term "public record", is deleted as surplusage, since, in the revised provisions in which the term "custodian" appears, the context makes clear that the provisions apply to specific public records.

Defined terms: "Official custodian" § 10-611
"Public record" § 10-611

(D) OFFICIAL CUSTODIAN.

"OFFICIAL CUSTODIAN" MEANS A STATE OFFICER OR STATE EMPLOYEE WHO, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD, IS RESPONSIBLE FOR KEEPING THE PUBLIC RECORD.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 76A, § 1(f), as that subsection related to the State and its units.

The words "State officer or State employee" are substituted for the former words "officer or employee of the State or any agency, institution ... thereof", for brevity and clarity.

The word "physical" is substituted for the former adjectives "actual personal", since the word "personal" also may denote "unofficial".

The former words "and includes" are deleted as surplusage since it does not seem that the former definition was intended to be illustrative.

The former references to "maintenance" and "care" are deleted as unnecessary in light of the broad word "keeping".