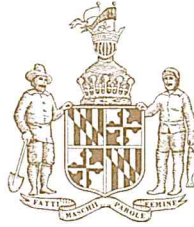


CHERYL C. KAGAN
Legislative District 17
Montgomery County

—
Vice Chair
Education, Health, and
Environmental Affairs Committee

—
Joint Audit Committee
Joint Committee on Federal Relations



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB590: Public Information Act - Revisions
Senate Education, Health and Environmental Affairs Committee
Thursday, February 13, 2020, 1:00 PM

Fifty years ago, the Public Information Act (PIA) Compliance Board and the office of the Public Access Ombudsman were established to ensure sound management of requests for information on state government activities and decisions. This bill would help the Board and the Ombudsman perform their duties better by enacting recommendations outlined in their *Final Report on the Public Information Act*.

The Board is an independent, five-member body tasked with deciding certain fee disputes under the Public Information Act. The Ombudsman is an independent office that seeks to resolve PIA disputes on a voluntary basis so as to reduce disputes that end up in the courts. Both the Ombudsman and Board are supported by the Office of the Attorney General.

Last April, the Board and the Ombudsman were asked to collect data from State agencies concerning their PIA caseloads and practices and make recommendations relating to PIA management. Their findings indicated that the 2015 authorization for these entities produced disproportionate caseloads (the Ombudsman has handled 903 cases and the Board has handled only 31 in a 15-month span) and created a dynamic that is leaving many requestors with no alternative to a court case.

SB590 would implement the *Final Report on the Public Information Act's* recommendations. The Board would be authorized to review and decide certain disputes that go unresolved by the Public Access Ombudsman. Additionally, it would expand the Board's jurisdiction to waive or reduce various fees. The bill would also instruct custodians to post an annual report on the number of requests received, fulfilled, and denied. It would also set a staffing level minimum of four employees to support the Board and the office of the Public Access Ombudsman.

Implementing these changes would ensure that everyone has access to public information. Going to court is costly, time-consuming, and complicated for most people. Requestors should have an effective and efficient way to resolve disputes.

I urge a favorable report on SB590.