

HB0042 “MPIA Response Time” Bill
Testimony, Feb. 11, 2020
Ann Costantino, The Gunpowder Gazette

I am here today to express my support for HB42. And while I am aware that there has been considerable opposition from various agencies and boards that would be impacted by this legislation if it were to pass – and I suspect that you will hear a lot more – this is a bill **for the people**, and not the government. This is a bill which serves the people – your constituents – and not the government.

I am here today to talk about time. The time it takes to obtain public records in Maryland is disproportionate to three quarters of the country. Of all the states, and even the federal government, Maryland falls dead last when it comes to the current time allowances government agencies have to provide public records under the Maryland Public Information Act.

Maryland is special in many ways. We have diversity, we have Ocean City; we have beautiful Baltimore City and the Chesapeake Bay.

But we are not any more special than any other state or the federal government when it comes to the speed at which requestors, who are seeking public documents, can or should have access to public information.

The public has the right to know – it’s what the Freedom of Information Act (FOIA) and MPIA is all about. But Maryland is behind, and I am here to ask you to bring us up to speed.

Currently, the FOIA allows three business days for nine states, four days for two states, five days for 11 states, and seven days for four states.

And 12 states, the District of Columbia and the federal government have mandated response times that fall somewhere between 10 and 20 business days, while 11 states allow their government agencies discretion in responding to record requests within a “reasonable time frame” without assigning a set number of days in which to do so.

But for those states that do require a firm deadline, Maryland stands alone at 30 business days.

And while some agencies in Maryland take the MPIA seriously and provide records in less time than this, in my experience, others use the time to delay – providing records on the 30th day, which sometimes makes the coverage of issues moot and no longer newsworthy.

Bringing the MPIA response time frame up to date with the majority of the country means that the public will learn about government operations faster.

It means that the same information that is being requested will be required to be provided faster. It means that the public – your constituents – will learn about government business – even yours –faster.

What I am asking is that you consider the people’s right to know – faster.

The Freedom of the press is critical to a democracy in which the government is accountable to the people. The media serves as a watchdog which can investigate and report on government wrongdoing.

In the 1971 case involving the New York Times v. United States, Supreme Court Justice Hugo Black said, “The press was to serve the governed, not the governors...”

I am asking you to consider speeding up current MPIA response times so that the governed are better served.

This is a bill for the people - ***the governed*** - and not the governors.

Thank you.