

Health and Government Operations Committee

TESTIMONY

Submitted by

Dr. Bernard Sadusky, Executive Director

February 11, 2020

**BILL: HB 42 – Public Information Act – Applications for Inspection – Responses and Time Limits**

**POSITION: Oppose**

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The Maryland Association of Community Colleges ("MACC") on behalf of all of Maryland's community colleges opposes House Bill 42 that shortens the time frame for custodians/Public Information Officers to respond to requests for public information for the following reasons:

1. Legal Review – Many applications require legal review and research which may reasonably delay an institution's ability to deny or grant an application within 7 days. A requested record may contain information for which disclosure may be prohibited by other laws or which may require legal waiver. Most community colleges do not have inside counsel and therefore are concerned that student or other protected information may be violated without sufficient time to allow for external legal review.
2. Institution's Access to Information – Information requested in an application may not be physically, digitally or electronically available to an institution and would require manual retrieval from archived records oftentimes stored at an off-site vendor. The off-site retrieval-request timeframe is dictated by vendors and 7 days is not a reasonable amount of time to ensure that all requested information is retrieved, received, copied, and approved for release.
3. Public Information Act- Per the Maryland Public Information Act, Chapter 266 (H.B. 674: Designation of PIA Contact Person Effective October 1, 2015, *each "governmental unit" subject to the Act's requirements must make available the name and contact information of an agency "representative" to whom applicants should submit PIA requests. As required by the Act, each community college has an identified PIO to whom all requests are directed. The Act includes timeframes that are responsive to the applicant but also understands that the college may be closed for winter or spring break, the PIO may take annual leave, and that sufficient time is needed to respond completely and legally to all requests. The number of days required in the Act are noted as "working" days, which is important to define the expectation and protect inquirers and institutions.*
4. Limited Staff Resources – Our institutions operate with modest administrative staffing. The expedited responses required by this legislation will place undue strain upon these staffing resources. It is presently difficult for staff to identify, retrieve, copy, and solicit and receive legal review within existing response time parameters.

Our institutions are committed to thoroughly and completely respond to applications for public records and to ensure that disclosure would not result in the violation of any other applicable laws. We believe that the time parameters provided in the existing legislation are reasonable to timely and lawfully provide applicants the requested records.