



HB42 PUBLIC INFORMATION ACT - APPLICATIONS FOR INSPECTION - RESPONSES AND TIME LIMITS

February 11, 2020

HEALTH AND GOVERNMENT OPERATIONS COMMITTEE

OPPOSE

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

The Board of Education of Anne Arundel County opposes **HB42 Public Information Act - Applications for Inspection - Responses and Time Limits**. This bill would decrease the time periods within which a custodian of public records is required to grant or deny an application to inspect a public record and produce a public record in response to an approved application from 30 to 7 days. HB42 would also alter the circumstances under which and the time period within which a custodian of public records is required to indicate certain information in writing or by e-mail an decrease from 10 to 5 working days, the time period within which a custodian who denies the application is required to give the applicant a certain written statement.

The Maryland Public Information Act currently allows an agency 10 days to acknowledge receipt of a request and 30 days to fulfill a request in its entirety. AACPS fulfills requests as expeditiously as possible. However, requests – particularly in recent years – can be multi-pronged and complex, requiring an agency such as a school system to research and compile records from a variety of departments. This simply takes time. AACPS received and responded to 117 requests under the Act in the 2018-2019 school year and as of January 1, 2020, has responded to 46 requests in the 2019-2020 school year with another handful awaiting responses. While the Act is intended to provide broad public access to public records, it is not intended to allow requests to grind the work of an agency to a halt. Decreasing the time period of a response would leave AACPS no choice but to hire additional staff to complete these duties and, thus, creating an unfunded mandate. This legislation seems like a solution in search of a problem.

Accordingly, the Board of Education of Anne Arundel County respectfully requests an **UNFAVORABLE** committee report on HB42.