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Patrick Moran - President

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## HB 1221 - Public Information Act - Personnel and Investigatory Records - Complaints Against Law Enforcement Officers Opposed

The Maryland Public Information Act currently prohibits the disclosure of personnel records of public employees, including records of law enforcement misconduct proceedings.

Why?

- Records of such proceedings are liberally constructed – i.e. much information is put in as a matter of course, for a full understanding of the facts, and under the assumption that the record is/was protected from disclosure to the public. As a result, records routinely contain identity information such as social security numbers and birth dates, health information related to employment, information about family members, and other sensitive information, not appropriate for public disclosure.
- As to disciplinary matters, including for misconduct, public employers are expected to mete out discipline to civil service employees, including law enforcement, fairly and objectively based on the record facts. Discipline should not be meted out to satisfy a third party's interest or view of a record.

Why oppose HB 1221?

The bill does not include sufficient safeguards:

- The bill does not only allow for the release of records developed after October 1, 2020, but would allow for the release of all past records.
  - As noted above, past records were liberally constructed because there was no expectation that they would be released publicly. The result is that records are replete with identity information, and all manner of personal, health, and generally confidential information. The bill does not protect any of that information from disclosure.
  - HB 1221 would allow information about current and former employees from anytime – a year ago, ten years ago, twenty years ago, to be released.
  - HB 1221 would release information that neither the employee nor management ever expected would be released.
  - HB 1221 would release information without notice to the employee or former employee.
  - HB 1221 would release information without the benefit of review and redaction.
- As a result the bill would endanger law enforcement personnel, as bad actors could request and receive records with the intention of mining the records for home addresses, children's names, embarrassing information, health information, and other material an employees has every right to expect would be held confidential.

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