



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
James F. Ports, Jr.  
Secretary

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February 8, 2022

The Honorable Paul G. Pinsky  
Chairman, Senate Education, Health, and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***Re: Letter of Information – Senate Bill 373 – Public Information Act – Required Denials – Sociological Information and Distribution Lists***

Dear Chairman Pinsky and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 373 but offers the following information for the Committee's consideration.

The MDOT is committed to protecting the privacy of Maryland citizens and the personal data we possess in order to conduct business with the public. Releasing a personal address, regardless of a requestor's sworn use, would disclose private sociological information without a need to demonstrate a clear public interest. Such a release could produce unwanted targeting for political, commercial, or business gain. An individual's personal address could be a mental hospital or rehab facility or result in the unwanted exposure of a person in a domestic abuse situation. MDOT is not legally permitted to release personally identifiable information (PII), including personal contact information such as home addresses.

When the General Assembly passed the law in 2018 that mandated the denial of distribution lists, it stemmed from a problem discovered when the Carroll County Board of Commissioners approved a PIA request for a distribution list that included personal email addresses. That list was subsequently uploaded to the internet, potentially exposing individuals to cybertheft or other fraudulent online activity.

With respect to the requirement of a written application and a signed statement of intent, there are concerns that provisions such as these would be in conflict with the original intent of the MPIA and current law, which does not require requesters to identify themselves or require explanation as to why they are requesting specific records or what they intend to do with them. Once a single requester is able to access records, these documents could become public to others and the media. Once a governmental agency has released records, they have no control over how those records are used or disseminated, potentially resulting in personal information being released publicly or used for unintended purposes.

Finally, distribution lists could easily include more than 100,000 individuals, and if MDOT is no longer required to automatically deny these lists, all sociological information would need to be redacted. This would place a greater burden on requesters required to reimburse for allowable costs or taxpayers when fees are waived.

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The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates Senate Bill 373.

Respectfully submitted,

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