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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

SB373: Public Information Act - Required Denials - Sociological Information and Distribution Lists

Education, Health, and Environmental Affairs Committee

Tuesday, February 8, 2022 | 1pm

Emergency Bill

One of the biggest issues facing Montgomery County is the Governor's proposal to widen the Beltway (and I-270) with pricey toll lanes. Along with my Rockville and Gaithersburg constituents, residents of North Chevy Chase would be severely affected by the project.

In 2019, constituents of Del. Al Carr got a notice from the State Highway Administration, informing them that State employees might come onto their properties to take soil samples as part of the process for the proposed Beltway widening. Del. Carr contacted the Maryland Department of Transportation (MDOT), asking for copies of the notice and a list of affected properties. MDOT refused his request, citing that this "sociological information" could not be shared under the Maryland Public Information Act (MPIA).

In the 2021 Session, Del. Carr sponsored [HB272](#) in order to address and clarify sections of the MPIA that MDOT used to deny his request. The bill passed unanimously in the House-- but ran out of time for a Senate hearing. As a firm believer in government transparency, I agreed to cross-file this legislation.

[SB373](#)/[HB163](#) would update the MPIA by:

1. Prohibiting MDOT's use of "sociological information" as a reason for denial under the Real Property Article;
2. Clarifying that requesting a "distribution list" will include only the names, and not their physical address, email address, or telephone number (this will, in fact, be redacted); and
3. Requiring a requestor of such a list to sign an affidavit that the notice or list will not be used for commercial purposes.

This bill will clarify the language of the MPIA so that transparency is ensured; privacy is respected; and legitimate public information requests are allowed.

I urge a favorable report on SB373.