

MDDC Support SB373.pdf

Uploaded by: Rebecca Snyder

Position: FAV



Maryland | Delaware | DC Press Association

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | rsnyder@mddcpress.com

www.mddcpress.com

To: Senate Education, Health & Environmental Affairs Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: February 8, 2022

Re: **SB 373 - SUPPORT**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of newspaper publications, from large metro dailies such as the Washington Post and the Baltimore Sun, to hometown newspapers such as The Frederick News Post and Hagerstown Herald-Mail to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as Baltimore Fishbowl, MarylandReporter.com and Baltimore Brew.

The Press Association is pleased to support Senate Bill 373, which does three specific things to further transparency and close loopholes in the PIA: clarifies that a "distribution list" does not include recipients of a notice of a specific action by a government body; prohibits the inclusion of those recipients in a definition of "sociological information;" and requires that a requestor acknowledge that such notices will not be used for commercial purposes.

These are specific and tailored steps to increase transparency prompted by the overly broad use of this exemption by the Department of Transportation. We urge a favorable report.



**We believe a strong news media is
central to a strong and open society.**

Read local news from around the region at www.mddcnews.com

SB373_ MDOT Transparency Testimony.pdf

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Health, and
Environmental Affairs Committee

Joint Audit Committee
Joint Committee on Federal Relations



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

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.

SB0373 - OPR - Public Information Act - Required D

Uploaded by: Patricia Westervelt

Position: INFO



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

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.

The Honorable Paul G. Pinsky
Page Two

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

Respectfully submitted,

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090