



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Joseline A. Pena-Melnyk, Chair and
Members of the Health and Government Operations Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 11, 2025

RE: **HB 806 - Public Information Act - Frivolous, Vexatious, or Abusive Requests - Remedies**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 806**. This bill aims to promote transparency and government efficiency within the Public Information Act (PIA), by limiting frivolous and vexatious requests which, albeit rare, present challenges to government operations.

The Public Information Act (PIA) is essential to ensuring public access to government information. It also recognizes that the process must be managed in a way that does not overwhelm or paralyze the agencies responsible for fulfilling these requests. This bill is a necessary and fair solution to address the uncommon but disruptive issue of frivolous, vexatious, and abusive PIA requests, which can undermine the effectiveness of government agencies and impede timely responses to legitimate requests from the public. While government transparency is a foundational principle, it must be balanced with the ability of agencies to function efficiently and effectively. This bill acknowledges that while most PIA requests are legitimate, there are instances where requests are made in bad faith, are abusive, or are vexatious enough to severely disrupt an agency's operations and seeks to remedy that.

By allowing custodians to file complaints in court regarding frivolous, vexatious, or abusive requests, the bill ensures that custodians have the same ability as requesters to seek judicial relief. This is a critical step in providing custodians with the tools they need to protect their agencies from unwarranted interference. In many cases, the burden of handling unreasonable requests can divert resources away from the core functions of the agency, leaving them unable to properly respond to legitimate inquiries. Giving custodians the ability to address these requests directly in circuit court strengthens the PIA process and makes it more efficient and just for all parties involved.

Furthermore, the bill clarifies that the PIA Compliance Board has the discretion to allow custodians to ignore future requests from the same requester if it finds that a pattern of requests is frivolous, vexatious,

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abusive, or made in bad faith. This bill brings fairness to the PIA process by putting custodians and requesters on equal footing. Lastly, one of the most significant benefit of this bill is its ability to protect government agencies from requests that, while legally permissible, are so persistent and disruptive that they impede the agency's ability to function. The clarification that custodians may ignore requests if they are deemed frivolous, vexatious, or made in bad faith helps ensure that agencies are not bogged down by requests that serve no purpose other than to disrupt operations. For these reasons, MCPA and MSA **SUPPORT HB 806** and urge a **FAVORABLE** committee report.