

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 331

(Delegate White Holland, *et al.*)

Health and Government Operations

Education, Energy, and the Environment

Public Information Act - Public Access Ombudsman - Delegation of Powers

This bill authorizes the Public Access Ombudsman to delegate to a staff member of the Office of the Public Access Ombudsman any of the powers and duties granted to the ombudsman that are appropriate to the staff member's training and expertise.

Fiscal Summary

State Effect: The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Maryland's Public Information Act (PIA) establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Duties of Custodians

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types

of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record. Chapter 658 of 2021 requires each official custodian to adopt a policy of proactive disclosure of public records that are available for inspection under PIA, as specified.

Office of the Public Access Ombudsman – Appointment and Duties

The ombudsman, who must be appointed by the Attorney General and is a full-time State employee, must have been admitted to practice law in the State. The term of the ombudsman is four years.

The Office of the Public Access Ombudsman reviews and resolves disputes between applicants and custodians over requests for public records. Within 90 calendar days after receiving a request for dispute resolution, unless the parties mutually agree to extend the deadline, the ombudsman must issue a final determination stating either that the dispute has been resolved or that the dispute has not been resolved. The ombudsman may not compel a custodian to disclose public records or redacted information.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 296 (Senator Augustine) - Education, Energy, and the Environment.

Information Source(s): Office of the Attorney General; Department of Legislative Services

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