

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 304
(Delegate Grammer)
Government, Labor, and Elections

Public Information Act - Data Manipulation

This bill establishes that providing a public record in response to a request that requires specified data manipulation that the records database program is capable of performing does not constitute the creation of a new public record under the Maryland Public Information Act (PIA).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances, as discussed below.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: 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, effective July 1, 2022, requires each official custodian to adopt a policy of proactive disclosure of public records that are available for inspection under PIA, as specified.

Copies of Public Records

A custodian must provide an applicant who is authorized to inspect a public record with a copy, printout, or photograph of the public record, or provide the applicant with access to the public record to make the copy, printout, or photograph, upon the applicant's request. A custodian must provide the copy in a searchable and analyzable electronic format if the public record is in that format, the applicant requests the copy in that format, and the custodian is able to provide a copy in that format without disclosing confidential or protected information or information that the custodian has decided should not be inspected.

If a public record exists in a searchable and analyzable electronic format, the act of a custodian providing a portion of the public record in a searchable and analyzable electronic format does not constitute creating a new public record.

Public Information Act Compliance Board

The Public Information Act Compliance Board (PIACB), a five-member board appointed by the Governor, receives, reviews, and resolves complaints from applicants alleging that a custodian of a public record charged an unreasonable fee of more than \$350. The board must issue a written opinion as to whether a violation occurred and, if it finds that a custodian charged an unreasonable fee, order the custodian to reduce the fee and refund the difference, as specified.

Chapter 658 expands the jurisdiction of the board to include receiving, reviewing, and resolving additional types of PIA disputes and institutes an integrated PIA compliant resolution process that includes the Public Access Ombudsman. Under the Act, an applicant, an applicant's designee, or a custodian may file a written complaint with PIACB if (1) the complainant has attempted to resolve the dispute through the Office of the Public Access Ombudsman and (2) the ombudsman has issued a final determination stating that the dispute was not resolved.

Among other things, the board recommended in its [September 2025 annual report](#) that PIA be altered to clarify that, so long as a database has the capability to do so, compiling and analyzing data does not constitute the creation of a new record.

State Fiscal Effect: Most agencies and local governments advise that the bill does not have a material fiscal or operational effect on them. However, several agencies responded that the bill increases workloads associated with responding to PIA requests and that they require additional staff and other resources to handle the increased workload. As noted below, the Department of Legislative Services (DLS) disagrees with these responses.

The Comptroller advises that the bill expands what they must produce in response to PIA requests and that more custom data queries will be demanded as part of those requests. The Comptroller also advises that it must hire one full-time administrator at a cost of approximately \$97,200 beginning in fiscal 2027 to facilitate those anticipated requests. The Maryland State Department of Education (MSDE) advises that the bill could result in potentially unlimited data manipulation tasks for PIA requests. MSDE further advises that it must hire one full-time data analyst and upgrade its software capabilities at a cost of approximately \$199,700, which includes a salary and one-time technology costs, beginning in fiscal 2027. The University System of Maryland advises that the bill will result in an indeterminate but potentially significant impact for the University of Maryland, College Park, as the bill may result in the university incurring additional software expenses in order to comply with additional PIA requests at a cost of at least \$100,000 in fiscal 2027.

DLS disagrees. The bill does not require custodians to conduct additional forms of data manipulation when creating public records; instead, the bill merely establishes that specified forms of data manipulation that can be (and are) already performed by existing database programs do not constitute the creation of a new public record under PIA. Current law already specifies that a custodian is not required to create, compile, or program a new public record in response to a request. Therefore, the bill is not anticipated to materially affect State operations or finances.

Additional Information

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

Designated Cross File: None.

Information Source(s): Department of Commerce; Calvert, Howard, and Prince George's counties; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Maryland Cannabis Administration; Comptroller's Office; Judiciary (Administrative

Office of the Courts); Maryland State Department of Education; University System of Maryland; Maryland Department of the Environment; Maryland Department of Health; Department of Housing and Community Development; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Insurance Administration; Public Service Commission; Department of Legislative Services

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