



Montgomery County

Office of Intergovernmental Relations

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SB 193

DATE: February 5, 2020

SPONSOR: Senator Kagan

ASSIGNED TO: Education, Health, and Environmental Affairs

CONTACT PERSON: Kathleen Boucher (kathleen.boucher@montgomerycountymd.gov)

POSITION: SUPPORT

Public Information Act – Denial of Part of a Public Record – Investigations by Inspectors General

This bill clarifies that investigatory records of an Inspector General created by State or local law are exempt from mandatory disclosure under the Maryland Public Information Act (MPIA) by adding these officials to the illustrative list of officials who are expressly authorized to keep investigatory records confidential. That list currently includes: (1) the Attorney General; (2) a State's Attorney; (3) a municipal or county attorney; and (4) a police department or sheriff.

The bill also gives any Inspector General the same authority to deny access to investigatory records that the General Assembly gave to the new State-level Education Inspector General and the existing Commissioner of Financial Regulation in legislation that was enacted in 2019. Senate Bill 1030 (Blueprint for Maryland's Future) created an Education Inspector General and expressly exempted the Inspector General's investigatory records from the MPIA. Senate Bill 67 (Financial Institutions – Disclosure of Information from Investigations) gave the existing Commissioner of Financial Regulation authority to deny requests for the Commissioner's investigatory records.

Montgomery County's Inspector General was created by local law and is authorized to investigate fraud, waste and abuse in County government. Protecting the privacy of whistleblowers and the integrity of investigations is just as important to the work of the County's Inspector General as it is to the work of the officials listed above. Senate Bill 193 appropriately clarifies that the County's Inspector General has the same authority to deny access to investigatory records when disclosure would undermine either the privacy of a complainant or the integrity of an investigation.

For all of the reasons outlined above, Montgomery County respectfully requests that the Education, Health, and Environmental Affairs Committee give Senate Bill 193 a favorable report.