

February 5, 2020

Testimony on SB 193
Public Information Act - Denial of Part of a Public Record - Investigations by Inspectors General
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland supports SB 193 which would clarify that a local Inspector General Office may deny inspection of records of investigations conducted by or an investigatory file compiled by an inspector general under Maryland Public Information Act (PIA).

The PIA is an essential tool for public oversight of our state, county, and local governments. It allows Marylanders greater transparency into the workings of our officials, gives us access to data collected with public dollars, helps ensure a level of transparency vital to a healthy democracy.

The foundation of the PIA is the presumption of disclosure. Unless a disclosure is explicitly disallowed by law, a custodian of public information must disclose that information to any person who requests it. PIA provides for a number of discretionary denials including records of investigations conducted by the Attorney General, a State's Attorney, a municipal or county attorney, a police department, or a sheriff. While this list of offices does not include a local Inspector General Office, under current law the office can still deny requests provided by additional exemptions but still risks the possibility of that information having to be disclosed. SB 193 will provide greater clarity as well as eliminate confusion and possibility of this risk by ensuring that a local Inspector General Office is on this list and aware that they can deny these types of records.

Inspector General Offices' play a vital role in promoting accountability and detecting activities that are not in the best interest of the public in local government. A lot of this work is dependent on whistleblowers who come forward with information and assist the office with their investigations. This clarity of the law will provide these offices with the ability to ensure the identities of those who come forward are protected, encouraging others to come forward with information that may be related to possible cases of government fraud and mismanagement. Jurisdictions like Baltimore City recently passed legislation that created additional protections for whistleblowers. SB 193 would build on those efforts.

We urge a favorable report.