



SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE
Senate Bill 590
Public Information Act - Revisions
February 13, 2020
Unfavorable Report
Patrick Hogan, Vice Chancellor for Government Relations

Chair Pendergrass, Vice Chair Delegate Pena-Melnyk and committee members, thank you for the opportunity to share our thoughts on Senate Bill 590. The bill expands the jurisdiction of the Public Information Act (PIA) Compliance Board to include additional types of disputes; institutes an integrated PIA complaint resolution process that includes the Public Access Ombudsman; and requires a custodian to adopt a proactive disclosure policy.

Implementing these changes will require the University System of Maryland to devote significantly more resources to this task. In attempting to meet this broad array of mandates, given the consistently high volume and complexity of PIA requests received, information technology and legal services would need significant investments in resources. For fiscal year 2021, the combined estimated fiscal impact for one USM institution is expected to be \$775,000 – not including benefits.

The required proactive disclosure of records and the required recordkeeping and reporting will simply create additional work for institutions. The expanded jurisdiction of the PIA Compliance Board to include disputes over fee charges over \$200, disputes over withheld documents, and disputes over missed deadlines will increase the workload of institutions that will have to respond to complaints filed with the Board. The Board's authority to waive a will likely result in reduced recovery of the value of time spent in fulfilling requests, as fee payments will go down.

Senate Bill 590 gives the Board the authority to review and resolve complaints of agencies regarding requesters whose "request or pattern of requests is frivolous, vexatious, or in bad faith." While this is a potentially positive development, USM institutions still receive multiple and/or repetitive requests over extended periods of time from specific individuals. However, there are less intrusive and burdensome methods to address this narrow problem.

Thank you for allowing the USM to share our thoughts regarding House Bill 502 and urge an unfavorable report.