



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Acting Secretary

Office of the Secretary

February 11, 2020

The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee
241 House Office Building
Annapolis MD 21401

RE: Letter of Information – House Bill 42 – Public Information Act – Applications for Inspection – Responses and Time Limits

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 42 but offers the following information for the Committee's consideration.

MDOT takes seriously our commitment to being open, transparent, and collaborative with the public and communities we serve. Allowing the public to request and inspect documents under the Public Information Act (PIA) is a vital element of the public's trust in our governmental institutions. MDOT is committed to safeguarding, archiving, and maintaining public records as well as individual Personally Identifiable Information (PII), in accordance with all laws and regulations. MDOT works in good faith to provide timely and cost-efficient responses, while also balancing the legal and ethical obligations to protect personal and proprietary information. We are entrusted with millions of public records dispersed throughout the State and have established a robust records management program to maintain records while also ensuring transparency.

House Bill 42 would significantly reduce the amount of time that a custodian of records has to respond to a Public Information Act (PIA) request.

MDOT processes more than 1,000 formal PIA requests each year. Two-thirds of these requests are completed by the 10-day deadline required by current law. Since the passage of the Maryland PIA in 2015, MDOT has completed 2,699 requests within 10 days, and 990 requests within 30 days. Quite often though, requests can be expansive, requiring every minute of the permitted 30 days or agreed-upon extended timeline. This is especially true of requests that involve large amounts of documents, which can range from hundreds to thousands of pages, and/or those that require extensive legal review. Expansive requests require multiple staff, in varying locations, to locate, retrieve, review, and prepare potentially responsive records for permissible release. In cases where we may need a little extra time, MDOT works very closely with the requesting party to tailor requests to their specific needs and to collaboratively agree on deadlines.

If House Bill 42 was enacted, we anticipate a need for additional dedicated PIA staff. We also anticipate that the shortened timelines may cause operational impacts as we cannot anticipate when, what type, or how many requests we receive at any given time. Employees will need to quickly pivot off projects that are likely of great value and importance to the Department's mission of delivering safe, sustainable, intelligent and exceptional transportation solutions in order to connect our customers to life's opportunities in order to comply with these new requirements.

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The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates on House Bill 42.

Respectfully submitted,

Jeff Tosi
Director of Government Affairs
Maryland Department of Transportation
410-841-2850