



Maryland
DEPARTMENT OF PLANNING

HEARING DATE: February 11, 2020

BILL NO: HB0042

COMMITTEE: Health & Government Operations

POSITION: Letter of Information

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TITLE:

Public Information Act – Applications for Inspection – Responses and Time Limits

BILL ANALYSIS:

House Bill 42 reduces the amount of time by which a state agency can respond to a request under the Maryland Public Information Act (PIA). Under current law, state agencies have 10 days to acknowledge receipt of a PIA request and 30 days to provide the documentation. This bill seeks to reduce those time limits to five and seven days, respectively.

POSITION AND RATIONALE:

The Department of Planning (Planning) 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. Planning is committed to safeguarding, archiving, and maintaining public records as well as individual Personally Identifiable Information (PII), in accordance with all laws and regulations. Planning 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 thousands of public records dispersed throughout the State and have established a robust records management program to maintain records while also ensuring transparency.

As drafted, this bill drastically reduces the time for responding to PIA requests. Even though Planning does not have staff that work solely on PIA responses, Planning has a track record of 100% compliance with the current response time limits. This is predicated on our staff being able to build the PIA response labor into their other workloads. Drastically cutting the response time means our current staff would have to place other works on immediate hold and devote all of their efforts to each PIA request. It may take longer to respond to requests that seek information protected by law such as confidential commercial information or the location of archaeological resources.

Planning currently receives on average between 25 and 40 PIA requests per year, while other agencies receive hundreds of requests. However, with the forthcoming redistricting process, Planning anticipates a substantial increase over the next couple of years in the number of PIA requests. Planning does not currently have staff that works on PIAs full time. Passage of this bill, with its significantly decreased response time requirements, coupled with the Department's anticipated increase in PIA requests, will likely require Planning to hire one or two full-time employees to focus solely on the PIA workload.