



190 West Ostend St., #201
Baltimore, MD 21230
Phone: 410.547.1515
Fax: 410.837.5436

Patrick Moran - President

Testimony

HB 42 – Public Information Act-Applications for Inspection – Response and Time Limits

AFSCME Council 3 supports HB 42. This bill seeks to shorten the time frame for agency responses to Public Information Act (PIA) requests. As drafted, the bill would require a response within 7 days (instead of 30) after an application, and, if it would take more time than 5 days (instead of 10 days) to produce the document, notice of such within five days of receipt of that application. Additionally, the custodian of records would have 5 days (instead of 10 days) to provide a written statement if the request is denied.

We understand that there are sponsor amendments to increase the response times from the 7 days to 15 days, and allow 15 days if the request would require more than 100 pages in response.

Public Information Act requests are fundamental to our democracy. Individuals and associations, including AFSCME, often use the PIA to gather facts about, or monitor the actions and positions of, government. Such fact gathering about agency spending, changes to policies or processes, or data gathered by government, is necessary for a transparent government and debate over government action. Such transparency regarding basic government functions facilitates accountability and engagement. As Section 4-103 (b) of this article notes:

(b) General construction. - To carry out the right set forth in subsection (a)

of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.

AFSCME's experience with PIA's is mixed, all too frequently a response is only provided at the very outside limit of the timetable – just at the current 30-day deadline. This is problematic when the reason for the request is urgent or the information would seem to be routine and thus more promptly produced. This legislation, especially with the proposed amendment, is more than reasonable in terms of an improved timetable.

There is one caveat to this legislation and that is making sure that state government is adequately funded so that there are sufficient staff to respond to requests. It will be important for all advocates of shorter timeframes to also be aware of this and be advocates for sufficient staffing levels as well.

AFSCME urges a favorable vote with the sponsor amendments on HB 42.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

Find us: afscmemd.org
Like us: facebook.com/AFSCMEMD
Follow/Tweet us: [@afscmemaryland](https://twitter.com/afscmemaryland)