

BILL: House Bill 42
TITLE: Public Information Act - Applications for Inspection – Responses and Time Limits
DATE: February 11, 2020
POSITION: OPPOSE
COMMITTEE: Health and Government Operations Committee
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The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes House Bill 42.

MABE believes the dramatically shortened response times proposed in this bill would be unworkable in the context of reasonably considering and responding to requests to inspect public records. To the extent the proposed response times could be achieved, the substantial increase in investment of public resources in staff sufficient to meet them would outweigh the public benefit.

Local school systems take very seriously the responsibility to comply with the Maryland Public Information Act, which is intended to grant the public a broad right of access to records that are in the possession of State and local government agencies, including local boards of education. Local school systems are responsible for managing and maintaining an enormous amount information, including public records, but also including student records, and records not subject to inspection or access under state or federal laws.

Restriction of public access to records maintained by local school systems is already limited in other circumstances under state law. For example, there is an affirmative duty to deny access to county board records that are legally confidential, such as pursuant to lawyer-client privilege. The law additionally provides for required denial for personnel files, letters of reference, retirement records, or individual student records. Other required denials are for medical and psychological records, home addresses and telephone numbers of employees, individual financial records, and records of information system security. Finally, a local board may deny access to records where disclosure would be contrary to the public interest, such as, investigation records, security records, testing records, and real estate appraisals while acquisition is pending.

Therefore, MABE requests an unfavorable report on House Bill 42.