

February 11, 2020

Testimony on HB 42
Public Information Act - Applications for Inspection - Responses and Time Limits
Health and Government Operations

Position: Favorable

Common Cause Maryland supports HB 42 which would improve the process for requesting records under the Public Information Act (PIA).

Maryland citizens consistently face difficulties accessing public records. The PIA establishes that citizens have the right to access public records, but those documents that are made available by agencies complying with the law are provided within a longer than necessary length of time. This is because Maryland currently has one of the longest response times in the nation. Currently, a custodian has up to 30 days to grant or deny an application and a custodian who denies an application must, within 10 working days, provide the applicant with a written statement that gives the reason for denial. Extensions of up to an additional 30 days are also made available leaving a requester at a disadvantage.

HB 42 aims to improve this process for requesters by shortening the response time. The 30 days period for granting or denying a request would be shortened to 7 days and the denial period shortened from 10 to 5 working days. Additional provisions are also provided for custodians needing an extension with a requirement that they make the requester aware of this extension within 5 days.

While this improved response time may seem tight to some agencies, we believe that these changes can be implemented. According to the PIA Compliance Board and Public Access Ombudsman's Final Report from 2019, most of the reporting agencies have a light to moderate caseload and while most agencies with requests of 200 or more did not report, the four that did report sending more than 80% of final responses within 30 days. Many of those agencies not reporting are those where requests at times are long overdue and where responses are not received at all. These agencies would need to put measures in place to ensure they are in compliance with law.

While the legislature has taken important steps over the years to move Maryland towards a more open and accessible government, there is more that we can do to improve the process for record requestors – including speeding up the response time. HB 42 would do that as well as ensure our response time is in line with the national average of seven days or less

We urge a favorable report.