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HB 42

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

Hearing before the Health & Governmental Operations Committee
February 11, 2020

Position: FAVORABLE

HB 42 addresses a significant, persistent weakness in Maryland’s Public Information Act (PIA). As other witnesses have detailed, Maryland provides one of the longest response times to produce public records in the nation. Yet under the current law, as well documented by the Final Report of the Public Access Ombud and the PIA Compliance Board (Report), all too often government entities in Maryland continue to deny requests that should be granted (at least in part), or worse, ignore valid requests altogether. Applicants for public records have no effective remedy if the government entity refuses to participate in mediation and the applicant cannot afford to hire a lawyer and take the agency to court. As a result, as the Report points out, compliance with Maryland’s PIA is effectively optional rather than mandatory as the General Assembly Intended.

The purpose of the PIA is to provide public access to public records with minimal cost and delay. It is time to bring Maryland’s PIA response time in line with other states and reduce both the delay and the expense inherent in government failures to comply with the Act.

The PJC urges a FAVORABLE REPORT on HB 42. If you have any questions, please feel free to contact Debra Gardner, Legal Director, gardnerd@publicjustice.org, 410-625-9409 x228.