



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 11, 2020

Committee: House Health and Government Operations

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

Position: Oppose

Reason for Position:

The Maryland Municipal League strongly opposes HB 42, which would place impractical time limits on Maryland's cities' and towns' duty to provide important information to the public while protecting sensitive data.

The bill would reduce the maximum allowable time by which custodians must grant or deny an application from 30 days to seven. It would also reduce from 10 days to five, the amount of time by which a custodian must give notice that the request will take more time to produce. Such notices already require an estimation of the time it will take, an estimate of the fee that may be charged, and a reason for the delay. Additionally, HB 42 would require denial notices to be provided within five days (currently ten), which also necessitates considerable, legal research.

Given the unique construct of Maryland's Public Information Act laws, the League believes the current timelines are appropriate. Our State has a mix of mandatory and discretionary denials that have been codified to balance government transparency with the rights of individual privacy. In addition to locating the necessary documents, staff must also thoroughly review the information contained to ensure the document release BOTH satisfies the request and protects our residents' most sensitive information. Usually, this process involves a legal team, as **producing the wrong information or not disclosing the right information is a serious, criminal violation.**

MML also finds House Bill 42 operationally and fiscally impractical for smaller – and even medium sized – municipalities, which do not have dedicated PIA staff. Often, PIA requests fall to the town clerk or administrator who have a host of other essential functions in their

jurisdiction. To the extent that local governments are unable to obtain additional staff or IT resources to assist in meeting the bill's requirements, local agencies will likely experience significant operational impacts as existing staff are diverted from day-to-day responsibilities. There are also concerns that the shortened time limits could result in the production of public documents that do not meet the highest legal standard and open municipalities to unnecessary lawsuits.

MML would emphasize that the time frames in current law are limits, and that the law requires records to be produced "immediately" and "promptly." Further, any request that would take more than 10 days to complete currently requires provision of notification and legal reasoning.

Ultimately, HB 42 would penalize Maryland's cities and towns, the employees of which are working hard to comply with the law but do not have the resources necessary to meet such stringent deadlines. **This bill will not decrease response times in a manner consistent with the public interest.**

The League therefore respectfully requests that this committee provide HB 42 with an unfavorable report.

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