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February 11, 2020

The Honorable Shane E. Pendergrass  
Chair, Health and Government Operations Committee  
241 House Office Building  
Annapolis MD 21401

***RE: Letter of Information – House Bill 717 – Public Information Act – Required Denials – Distribution Lists***

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 717, but offers the following information for the Committee's consideration during its deliberations.

MDOT takes seriously our commitment to being open, transparent, and collaborative with the public and communities we serve. Allowing the public to request and inspect documents under the Public Information Act (PIA) is a vital element of the public's trust in our governmental institutions. MDOT is committed to safeguarding, archiving, and maintaining public records as well as individual Personally Identifiable Information (PII), in accordance with all laws and regulations. MDOT works in good faith to provide timely and cost-efficient responses, while also balancing the legal and ethical obligations to protect personal and proprietary information. We are entrusted with millions of public records dispersed throughout the State and have established a robust records management program to maintain records while also ensuring transparency.

We are equally committed to protecting personal identity and information entrusted to us by the public. Information provided to use for the purposes of purchasing monthly fare cards, E-Z Pass accounts, or transportation project outreach efforts are intended for those purposes only. There is always a risk that providing these distribution lists with personal information released to requesters could expose individuals to spam, fraud, or identity theft.

During the 2018 session, HB 677 and SB 477 were introduced and passed by the General Assembly. These bills mandated that custodians deny distribution lists to protect the public. Repealing the automatic denial of distribution lists from law would raise concerns over personal information privacy and protection that could lead to cyber, financial, or other types of harm to those individuals whose information is released. The proposed legislation could also lead to the release of other personal information, in addition to email addresses. Current law precluding the release of this information serves the dual purpose of protecting individuals' privacy and reinforcing the public's trust in government to handle their personal information with the utmost discretion.

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The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates House Bill 717.

Respectfully submitted,

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Maryland Department of Transportation  
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