



HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
House Bill 717
Public Information Act - Required Denials - Distribution Lists
February 11, 2020
Unfavorable Report
Patrick Hogan, Vice Chancellor for Government Relations

Chair Pendergrass, Vice Chair Pena-Melnyk and committee members, thank you for the opportunity to share our thoughts on House Bill 717. The bill defines “distribution list” to mean a list of recipients who have affirmatively opted to receive information or alerts and narrows an existing requirement pertaining to the denial of inspection of distribution lists.

In addition, the bill requires a custodian of a public record to deny inspection of only the part of a specified distribution list – and a request to be added to a distribution list – that identifies a physical address, an email address, or a telephone number of an individual. Under current law, a custodian must deny inspection of the full list, as specified. In addition, the bill excludes distribution lists used for the sole purpose of sending informational notices from the bill’s requirements.

House Bill 717 reduces agencies’ ability to withhold from requesters lists of persons who receive information about official activities or alerts from the agency. They must disclose such lists, unless the people on the list have affirmatively indicated to the agency that they want to receive the information or alert. Also, agencies can withhold only that part of the list that identifies a physical or e-mail address or a telephone number of an individual.

As a practical matter, this means that institutions must disclose such mailing lists upon request unless the people on the list have affirmatively opted to receive the mailings. Even if they can withhold the addresses and telephone numbers, they must disclose the names on the list.

The provisions are extremely broad and vague. There are potentially many lists at a university that would fall within this statute. Presumably, many departments/functions on campus would have a mailing list of people to whom they send official information/announcements. For example, police, residence, student affairs, alumni, admissions, may send information and/or alerts. Additionally, the disclosure requirement could raise privacy concerns where names and addresses had to be disclosed. For example, a mailing list of prospective donors (who had not opted in) would reveal their home addresses or e-mail addresses.

Thank you for allowing the USM to share our thoughts regarding House Bill 717 and urge an unfavorable report.