



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

TESTIMONY

February 11, 2020

Committee: House Health and Government Operations

Bill: HB 717 – Public Information Act – Required Denials – Distribution Lists

Position: Oppose

Reason for Position:

The Maryland Municipal League strongly opposes HB 717, which would re-open a loophole in the Maryland Public Information Act (MPIA) that allowed individuals and companies to mass-collect residents' personal information – such as phone numbers, e-mail addresses, and physical addresses – by requesting distributions lists used by a governmental entity or an elected official *for the sole purpose of* periodically sending news about certain activities or sending informational notices or emergency alerts.

In 2018, the Maryland General Assembly passed a League priority bill (Chapter 40, 2018) to close the loophole and protect our residents. Most of our municipalities use distribution lists to inform their residents of ongoing activities within the jurisdiction, including transportation and public works updates, city/town newsletters, emergency text alerts, and more. Not all of which they have opted to receive – some are required by law.

At the time, we had recently heard of an individual successfully requesting 219,000 emails from Montgomery County for political purposes, with more than half of them coming from the County's voluntary newsletter (Paperless Airplane). Another request was made by a golf equipment manufacturer to collect phone numbers and email addresses for everyone who has played a round of golf at one of Howard County's many public golf courses.

The League believes HB 717 would gut the 2018 legislation by defining a distribution list as opt-in and by removing informational notices from the protected uses of a distribution list. Companies and politically motivated individuals could once again collect resident contact information in mass if they figured out which types of lists to request.

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Furthermore, MML was provided with a copy of the Attorney General's advice letter requested by Delegate Carr for the same purpose we were told this legislation was introduced. In the letter, the Assistant Attorney General stated: "It is my view that GP § 4-341 does not prohibit disclosure of the survey notice letters sent by DMOT because that section only requires that a custodian deny inspections of "distribution lists." *We concur.*

MML is committed to helping identify a solution that would achieve the sponsor's goals without opening resident's personal information up to abusive uses of the MPIA.

Therefore, the League respectfully requests that this committee provide HB 717 with an unfavorable report.

FOR MORE INFORMATION CONTACT:

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