
February 12, 2020

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 House Office Building
Annapolis MD 21401

RE: Letter of Information – House Bill 401 – Public Information Act – Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)

Dear Chair Clippinger and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 401, 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.

The intent in Maryland’s current law seems to be ensuring those in the news media profession have access to records with a true public interest for the purposes of shedding light on government operations, decisions, and actions. The proposed Section 4-206(3)(1) confirms this intent for the State of Maryland. Section 4-206(5), however, includes:

“Representatives of the news media means any person that: (I) Gathers information of potential interest to a segment of the public; (II) Uses the person’s editorial skills to turn the raw materials into a distinct work; and (III) Distributes that work to an audience.”

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The words chosen for this definition are quite broad and open to subjective interpretation, which will make consistent implementation Statewide challenging. Additionally, it could be interpreted that any person with a Facebook page, Twitter account, Instagram, blog, or other website could claim the right to waived fees. Under House Bill 401, “representatives of the news media” would automatically be granted a fee waiver. Fees that are not collected or waived, are ultimately subsidized by the citizens of Maryland. MDOT currently works with members of the media to specify their requests which often results in no fees charged. MDOT would be happy to work with the Committee and the bill’s sponsor to clarify the proposed definition of “news media.”

The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates House Bill 401.

Respectfully submitted,

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