



## Department of Public Safety and Correctional Services

### Office of the Secretary Office of Government and Legislative Affairs

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**BILL: HOUSE BILL 401**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** This bill will require official custodians adopt a policy to use the internet and other forms of technology to expand remote access to public records. It also gives the State Public Information Act (PIA) Compliance Board greater authority to review decisions of custodians not to waive fees for disclosure of records and expands the rights of those who claim that the custodian unreasonably failed to waive the fee. The bill further provides that custodians shall waive fees for matters of public interest and, most importantly for DPSCS, for inmates requesting records related to their incarceration or conviction.

### **COMMENTS:**

The Department of Public Safety and Correctional Services (DPSCS) is committed to being open, transparent, and collaborative with the public and the communities we serve. The Public Information Act (PIA) allows for the public to request and inspect documents which is a crucial element of the public's trust in our government institutions. DPSCS is committed to safeguarding, archiving, and maintaining public records as well as individual personally identifiable information in accordance with all laws and regulations. DPSCS 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.

- Given the span of the agency's responsibilities, and significant number of offenders under its care, custody, and control, the Department receives hundreds of PIA requests annually.
- The Department's Division of Correction (DOC) operates approximately 17 State correctional facilities which house offenders sentenced to incarceration for 18 months and longer. The Department also runs the Baltimore City Jail, under the Division of Pretrial, Detention, and Services (DPDS), which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less. Between the DOC and DPDS, the Department is responsible for an average daily population of approximately 21,000 incarcerated offenders.

- As of the end fiscal year 2019, the Division of Parole and Probation supervised 39,191 active criminal cases.
- This bill requires a Custodian to grant a fee waiver for requests that relate to the conviction or incarceration of an inmate. As previously stated, with the number of incarcerated offenders and those under supervision, such a waiver would place a significant financial burden on the Department in both manpower costs and duplication fees.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee consider this information as it deliberates on House Bill 401.