



**HOUSE JUDICIARY COMMITTEE**

**House Bill 401**

**Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection  
of Judicial Records**

**February 12, 2020**

**Unfavorable Report**

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Associate General Counsel**

Chair Clippinger, Vice Chair Atterbeary and committee members, thank you for the opportunity to share our thoughts on House Bill 401. I've worked in the Office of General Counsel as an attorney for 25 years and have been a resident of Maryland for 45 years living in Districts 14, 18, 21 and now 17. However, today I am here representing the University System of Maryland (USM). Among many other responsibilities in my portfolio, processing of public records requests has been solely delegated to me. The bill would require the USM to waive fees for indigent requesters who ask for a waiver and waive fees for document requests if the request is made by a representative of the news media.

The Maryland Public Information Act (PIA) entitles each person to complete information about the affairs of government and the official acts of public officials and employees, unless otherwise expressly provided by law. The University System of Maryland is committed to providing customer-friendly service when responding to requests for public information.

House Bill 401 alone would have a significant fiscal impact upon USM institutions due to the high volume and complexity of PIA requests generally. For example, the University of Maryland, College Park would need to add at least 4-5 FTE new personnel to handle the responsibilities at a cost of approximately \$800,000. Adding the investment in technology infrastructure to meet such requirements there is no method to re-capture even a portion of the processing costs. The ability to assess fees from the university's largest segment of requesters (news media) would be taken away with this bill.

Across the USM, these changes would require all the public university campuses to devote more resources to this task. Since the majority of requests processed would fall within the expanded definition of news media, mandating fee waivers removes any incentive for a requester to submit a refined inquiry. Inquiries will be broad and voluminous if the requester knows no fee can be assessed and delay the processing of requests. For example, I currently am processing a media request for 20 years' worth of email message sent to or from 23 different state employees. This requires locating the tens of thousands of pages for which once collected must go through legal review and redaction. These are not tasks that can be performed by a computer.

Thank you for allowing the USM to share our thoughts regarding House Bill 401, and the USM strongly urges an unfavorable report.