



February 12, 2020

**House Bill 401**

**Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)**

**House Judiciary Committee**

**Position: FAVORABLE with AMENDMENTS**

The Anne Arundel County Office of Law **SUPPORTS with AMENDMENTS** House Bill 401 – Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act). This Bill proposes many positive changes to increase transparency and accountability of government departments and agencies. However the Office of Law has some areas of concern, which are outlined below.

The Office of Law is concerned with the proposed language in §4-103(b)(2) (p. 7, lines 16-21) due to the vagueness of the language. Requiring custodians of all County agencies to adopt a policy to use the internet and "other technological advancements" is overly broad and may impose a significant unintended burden on County departments. Many records are already available online, such as the County's Department of Inspections & Permits' permit search database that allows anyone to search for records. However, determining other County records that can be made available to the public via an accessible database would require dedication of a significant amount of time, money, and resources. For example, police reports would require review and redaction of every police report before the reports are uploaded and made available to the public.

We are also concerned with the proposed language in §4-206(a)(5) (p. 10, lines 23--24). The definition of "Representative of the News Media" is far too broad. The definition encompasses not only traditional journalists, but bloggers, and individuals posting on social media as well. Due to this vagueness, the office also objects to the fee waiver provision for "Representatives of the News Media" in Section 4-206(e)(3) (p. 11, lines 17-21).

Finally, we are concerned that the proposed fee change provision in §4-206(e)(2) (p.11, lines 6-16) may affect the County because it adds a fee waiver basis for inmates seeking a public record relating to their conviction or incarceration. Inmates may seek police records or perhaps Detention Facilities records. Inmates could ask for an overwhelmingly broad scope of records without the County recouping any costs for processing the request, or expending significant time working with the requestor to determine the nature and scope of the actual request.

Accordingly, the Anne Arundel County Office of Law requests a **Favorable with Amendments** report on HB 401, with amendments to narrow the scope of the policy proposals in §4-103(b)(2) and §4-206(e)(2), and the definition of "Representative of the News Media" in §4-206(a)(5).