



**Testimony for the House Judiciary Committee  
February 12, 2020**

**HB 401 – Public Information Act – Remote Access, Fee Complaints,  
Fee Waivers, and Inspection of Judicial Records**

JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

**FAVORABLE**

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

FIELD OFFICE  
6930 CARROLL AVENUE  
SUITE 610  
TAKOMA PARK, MD 20912  
T/240-274-5295

[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

The ACLU of Maryland supports HB 401, which clarifies that judicial records are public records under the Public Information Act (“PIA”), increases the jurisdiction of the PIA Compliance Board, defines “public interest,” and requires more indigent and public interest fee waivers.

In doing so, this bill underscores that the PIA is grounded in the principle that “Government of the people, by the people, and for the people must be open to the people.”<sup>1</sup> This is particularly important for requestors of limited means, who must be assured they can fully exercise their rights to public information and to petition the government.

The ACLU of Maryland believes strongly in open and transparent government, because a true democracy demands it. The PIA is a necessary tool for Marylanders to provide checks and balances on elected officials and government agencies. When this avenue becomes unavailable, it undermines confidence in fair government and prevents individuals from engaging in meaningful and informed debate about matters of public interest. Excessive fees contribute to an inequitable system in which the right to petition is only available to those with means.

The underlying principle of the PIA is the Act “shall be construed in favor of allowing inspection of a public record, with the least cost and least delay.”<sup>2</sup>

Marylanders must have reliable access to information about how state agencies are responding to their individual cases, and acting on matters of public interest. HB 502 will help ensure that the PIA is implemented consistently with its original intent, and that Maryland state government remains open to the people.

For the foregoing reasons, we urge a favorable report on HB 401.

<sup>1</sup> Office of the Attorney General, Maryland Public Information Act Manual, 14<sup>th</sup> Ed. (2015).

<sup>2</sup> GP § 4-103(a)-(b).