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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB449: Public Information Act - Revisions
Senate Education, Health and Environmental Affairs Committee
Tuesday, February 23, 2021, 1:00 PM

Fifty-one years ago, the Public Information Act (PIA) Compliance Board and the Office of the Public Access Ombudsman were established to ensure sound management of requests for information on state government activities and decisions. Access to public information remains a key issue to ensure government accountability. This bill would help the Board and the Ombudsman perform their duties better by enacting recommendations outlined in their *Final Report on the Public Information Act*.

The Board is an independent, five-member body tasked with deciding certain fee disputes under the Public Information Act. The Ombudsman is an independent office that seeks to resolve PIA disputes on a voluntary basis so as to reduce disputes that end up in the courts. Both the Ombudsman and Board are supported by the Office of the Attorney General.

The Board and the Ombudsman were asked to collect data from State agencies concerning their PIA caseloads, and practices and make recommendations relating to PIA management. Their findings indicated that the 2015 authorization for these entities produced disproportionate caseloads. The Ombudsman has handled 903 cases and the Board has handled only 31 in a 15-month span and created a dynamic that leaves many requestors with no alternative to a court case.

SB449 would implement the *Final Report on the Public Information Act's* recommendations. The Board would be authorized to review and would also decide certain disputes that go unresolved by the Public Access Ombudsman. Additionally, it would expand the Board's jurisdiction to waive or reduce various fees. The bill would also instruct custodians to post an annual report on the number of requests received, fulfilled, and denied. It would also set a staffing level minimum of four employees to support the Board and the office of the Public Access Ombudsman.

Implementing these changes would ensure that everyone has access to public information. Going to court is costly, time-consuming, and complicated. Requestors should have an effective and efficient way to resolve disputes.

There have been recent conversations with the University System of Maryland. We are collaborating with them to ensure that government entities are capable of responding to requests for public information in a timely manner.

I urge a favorable report on SB449.