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Retaining Communication Records Critical To Public Accountability and Transparency

Position Statement in support of Senate Bill 307

Given before the Senate Education, Health, and Environmental Affairs Committee

Government transparency and access to public information are fundamental pillars of an effective and ethical democracy. The reverse is also true; corrupt behavior most often occurs in secrecy or behind closed doors. The most effective way to combat the abuse of state resources is to protect Marylanders' ability to access public records. The Maryland Center on Economic Policy supports Senate Bill 307 because it would ensure records of communications are appropriately retained.

Retention of public records so they can be reviewed at a later date is an essential component of Maryland's Public Information Act. The Office of the Governor is involved in many critical decisions that affect Marylanders, including the use of public funds, and should be subject to the same record retention requirements as other state agencies. SB 307 includes the important clarification that the governor's office is covered by these policies.

SB 307 also ensures that record retention policies cover all forms of recorded communication. Given the increasing prevalence of digital communication tools in the workplace, including chat platforms, this is a necessary clarification.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Education, Health, and Environmental Affairs Committee make a favorable report on Senate Bill 307.

Equity Impact Analysis: Senate Bill 307

Bill summary

Senate Bill 307 defines "record" for the purposes of the Public Information Act and the state records management program to include certain written, electronic, and recorded audio or video communications made in connection with the transaction of public business made or received by an employee or public official of the State. It further defines a "unit" for the state records management program to include the Office of the Governor.

Background

Maryland's Public Information Act ensures members of the public have the right to request access to information about government decisions and actions, including communications such as letters and emails. Importantly, the standards for retaining records of communications by state employees and public officials are set by the Records Management division and the state archivist.

Equity Implications

Strengthening access to public records could bring equity benefits to the extent it creates greater understanding of decision-making by public officials and an opportunity to respond to actions by those officials. For example:

- Greater transparency would allow the public to determine whether the state is equitably awarding contracts to small, minority, and women-owned businesses.
- Greater transparency would allow the public to determine whether the state does business with companies that violate labor law or avoid or evade their tax responsibilities.
- Greater transparency would allow more effective monitoring of officials' ethical and legal compliance, ensuring that our shared investments benefit all Marylanders, not just the powerful few.

Impact

By increasing transparency around state decisions, Senate Bill 307 could **improve racial and economic equity** in Maryland.