

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

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TO: The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB 307 – Public Records – Retention and Inspection – Communications (Transparency in Public Records Act of 2022) – **Support**

Chair Pinsky, Vice Chair Kagan, and distinguished members of the Education, Health, and Environmental Affairs Committee, we write to urge your favorable report on Senate Bill 307. This legislation, introduced by Senator Lam in response to the news reports that Governor Hogan's Administration had been using disappearing messaging apps to communicate, would add the "Governor's Office" as a unit covered by the State Records Act (which is the statute administered by the State Archives). The apparent intent is to require the Governor's Office to adopt and submit to Archives a records retention schedule.

More relevant for our purposes, though, the bill also amends both the Public Information Act and the Archives statute to expressly provide that they apply to "(I) ANY WRITTEN, ELECTRONIC, OR RECORDED AUDIO OR VIDEO COMMUNICATION MADE IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS: 1. MADE OR RECEIVED BY AN EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION; OR 2. MADE OR RECEIVED BY A PUBLIC OFFICIAL." We believe this is sound public policy that promotes transparency and ensures public official accountability.

For the foregoing reasons, the Office of the Attorney General urges a favorable report of the Senate Bill 307.

cc: Committee Members