

Education, Health and Environmental Affairs Committee
Sen. Paul Pinsky Chair

Testimony in SUPPORT of SB 0307 / HB 0395
Public Records - Retention and Inspection - Communications (Transparency in
Public Records Act of 2022)
February 14, 2022

I am a retired journalist with two decades of experience with local and state government reporting. I am considered to be an expert on the Open Meetings Act through years of practical involvement with the system of public complaints to the Open Meetings Compliance Board and many, many Public Information Act requests.

Existing law in Maryland is decades behind the deployment of novel electronic communications products. Existing law does not yet usefully address SMS text messages, which are a staple of anyone with a cell phone. (Certain states, for example, prohibit text messaging by members of public bodies during meetings to prevent surreptitious one-on-one conversations. Maryland does not).

The Open Meetings Act is still trying to catch up with documents created electronically that can easily be provided by email.

Most pernicious of all are the products that allow communications to self-destruct without leaving a record.

Without a doubt, the public record suffers when government employees use technology that skirts or completely evades existing records laws. When the public record is distorted in that way, transparency suffers and government actors jeopardize public participation in decisions that affect them.

I request a favorable report.

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