

HB636 Official TestimonyEEE.pdf

Uploaded by: Delegate Guzzone

Position: FAV

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Health and Government
Operations Committee

Subcommittees

Government Operations
and Health Facilities

Insurance and Pharmaceuticals



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 636 – Public Information Act – Inspection of E-Mail Addresses and Telephone Numbers

Testimony of Delegate Pam Guzzone

March 1, 2023

Good afternoon Madam Chair and members of the Health and Government Operations Committee. I'm Delegate Pam Guzzone representing Howard County's District 13 and I am here in support of House Bill 636, Public Information Act – Inspection of E-Mail Addresses and Telephone Numbers.

House Bill 636 will alter and update the definition of "personal information" to include an individual's e-mail address making it a distinct piece of data within the definition. It also modifies 'home phone number' to 'phone number' or 'personal phone number' since many people no longer have home-based landlines and their mobile phone has replaced a home phone number. The bill modifies this language for several specific situations, clarifying what parts of a public record a custodian shall or may allow inspection of.

HB 636 modernizes the Public Information Act and will provide records custodians with clear direction on how to handle e-mail addresses and mobile phone numbers which are contained in the public records of State and local agencies. It will also reduce the confusion and inconsistency may currently be present in addressing these issues. HB 636 will help both requesters of PIA information and the custodians when requesting this type of personal information through the PIA process.

I respectfully request a favorable response on House Bill 636

2023 MNA HB 636 Senate Side FAV.pdf

Uploaded by: Josie Ogaitis

Position: FAV



Committee: Senate Finance Committee

Bill Number: House Bill 636 – Public Information Act – Inspection of Email Addresses and Telephone Numbers

Hearing Date: March 28, 2023

Position: Favorable

The Maryland Nurses Association (MNA) strongly supports *House Bill 636 – Public Information Act – Inspection of Email Addresses and Telephone Numbers*. The bill would allow a health occupations board to deny public access to a personal email address under certain circumstances. MNA has supported similar measures to shield personal information to reduce the risk of workplace violence.

Addressing workplace violence is among MNA’s top priorities. We have heard from countless Maryland nurses about the impact of workplace violence on their professional and personal lives. Incidents of serious violence are 4 times more common in healthcare than in other industries (such as manufacturing, construction, or retail).ⁱ Health care workers in emergency department are at the highest risk, causing them to consider leaving nursing. About one-third of emergency nurses reported that they have considered leaving nursing because of workplace violence. According to the Occupational Safety and Health Administration, 21% of nurses reported physical abuse, and this number is low because of underreporting. Surveys show that 30-50% of events are never reported in writing.ⁱⁱ

We ask for a favorable report. This bill will support the privacy of nurses who are being threatened by workplace violence. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

ⁱ *OSHA 3826. Workplace Violence in Healthcare. Understanding the Challenge. (2015). <https://www.osha.gov/Publications/OSHA3826.pdf>

ⁱⁱ Gacki-Smith, Jessica et al. Violence Against Nurses Working in US Emergency Departments. The Journal of Nursing Administration. July-August 2009, Volume 39 – Issue 7/8.

ⁱⁱ OSHA 3826. Workplace Violence in Healthcare. Understanding the Challenge. (2015). <https://www.osha.gov/Publications/OSHA3826.pdf>

HB636 __OAG__FAV (Senate).pdf

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March 28, 2023

To: The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee

From: Office of the Attorney General

Re: HB 636 Public Information Act - Inspection of E-Mail Addresses and Telephone
Numbers (SUPPORT)

The Office of the Attorney General (“OAG”) is committed to the principles of open access to public records and to promoting a consistent application of the Public Information Act (“PIA”) throughout the State. Indeed, OAG has long worked toward ensuring the correct implementation of the PIA through, among other things, publication of its Public Information Act Manual.

The PIA was first enacted in 1970, long before email and cellphones became a part of our everyday lives. As a result, there is often uncertainty and ambiguity about how certain provisions of the PIA—especially those that protect the personal information of individuals from disclosure—should apply to email addresses and cellphone numbers. For example, there is some uncertainty as to whether the provision in § 4-331 of the General Provisions (“GP”) Article that shields the “home address” of State and local government employees would extend to the personal *email* addresses of such employees. Similarly, there is ambiguity as to whether the provision in GP § 4-333 that generally requires a custodian to disclose a licensee’s “business address” would apply to a licensee’s business *email* address. These ambiguities lead to challenges for custodians across the State, especially when the provisions in question are mandatory, as custodians are faced with the possibility of a legal challenge from the requester if they withhold the information and a legal challenge from the person in interest if they disclose the information.

The goal of this bill, which the OAG endorses, is to clarify the applicability of certain PIA exemptions to email addresses and cellphone numbers. In some cases, such as clarifying that the protection for government employees’ home phone numbers in GP § 4-331 extends to those employees’ personal cellphone numbers, the changes to the text of the PIA would merely codify current practice and the longstanding advice of our Office. In other cases, the changes would provide clarity where the practice across the State may not be entirely consistent. Either way, the goal is to provide clarity to custodians across the State so as to ensure a consistent application of the PIA. For these reasons, we urge a favorable report on this bill.

cc: Members of the Education, Energy, and the Environment Committee

HB0636 - Letter of Information (Senate EEE).pdf

Uploaded by: Spencer Dove

Position: INFO

WES MOORE
Governor

ARUNA MILLER
Lt. Governor



LISA A. KERSHNER
Public Access Ombudsman

**STATE OF MARYLAND
OFFICE OF THE
PUBLIC ACCESS OMBUDSMAN**

March 28, 2023

**House Bill 636 - Public Information Act - Inspection of
E-Mail Addresses and Telephone Numbers
Letter of Information**

Chairperson Feldman, Vice Chairperson Kagan, and Members of the Senate Education, Energy, and the Environment Committee:

Thank you for the opportunity to submit this letter of information regarding House Bill 636.

As you may know, Maryland law charges the Public Access Ombudsman with attempting to resolve disputes that arise under the Public Information Act (“PIA”) between record requesters and custodians. Typically, the Ombudsman carries out her duties in the context of voluntary and confidential mediation. The Office also receives a number of inquiries, primarily from State and local government agencies and their counsel, for consultations aimed at preventing PIA disputes (referred to internally as “helpdesk” matters). From the opening of our doors in 2016 through the end of fiscal year 2022, the Office has handled a total of 1,481 mediation requests and 1,004 helpdesk matters. It has been a genuine honor to serve as the Public Access Ombudsman.

The status of personal e-mail addresses and cellphone numbers (as opposed to home landline telephone numbers) under the PIA is an issue that commonly crops up in the Ombudsman’s caseload. Save for two very specific exemptions (related to distribution lists, § 4-341, and records of public institutions of higher education, § 4-355), the PIA does not speak to the status of e-mail addresses at all. And, while the PIA contains several exemptions that refer to “home” telephone numbers (e.g., information about public employees, § 4-331), it does not specify whether these telephone numbers include cellphone numbers.

But, as you know well, citizens frequently use personal e-mail to communicate with State and local government employees and officials. Similarly, government employees and officials often conduct public business—both with constituents and with one another—by e-mail. In short, e-mail is a regular means of transacting public business with and within State and local government. Further, given the ubiquity of cellphones—and comparative decline in landline telephone use—there are, no doubt, many records that contain personal cellphone numbers. Thus, it is important for the General Assembly to modernize the PIA and provide records custodians with clear direction on the status of e-mail addresses, as well as all types of personal telephone numbers, that are contained in the public records of State and local agencies.

In the absence of direction from the Legislature, the Office has encountered a great deal of uncertainty among both requesters and records custodians—with the predictable result that agencies devise their own individual approaches, sometimes on an *ad hoc* and inconsistent basis. For example, there has been confusion about whether the requirement that custodians disclose, under § 4-333(b)(2)'s licensing exemption, the “business address” of a licensee includes disclosure of a business *e-mail* address. House Bill 636 would address this type of problem, primarily by amending the definition of “personal information” to include an individual’s e-mail address. The bill also clarifies the status of personal e-mail addresses within several specific exemptions, and eliminates references to “home” telephone numbers, instead referring to simply to “telephone numbers” or “personal telephone numbers,” terms that more clearly encompass cellphones.

The changes made by House Bill 636 would thus bring greater certainty and clarity to both requesters and custodians regarding disclosure of this type of personal information when it is contained within public records.

Again, thank you for your consideration of the information contained in this letter. Please do not hesitate to let me know if this Office can be of assistance to you and your constituents.

Lisa A. Kershner
Public Access Ombudsman