



Debra Gardner, Legal Director
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 228
gardnerd@publicjustice.org

**HB 1051 Public Information Act - Decisions of the State
Public Information Act Compliance Board - Appeals
Hearing before the House Health & Government Operations Committee
March 8, 2023
Position: Favorable**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Among its projects is a longstanding commitment to transparency and accountability in all things governmental, including a more robust Public Information Act (PIA) and enforcement thereof.

HB 1051 clarifies that a requester of public records or a government entity aggrieved by a decision of a circuit court on judicial review of a decision of the PIA Compliance Board may appeal to the Appellate Court of Maryland. This puts cases decided in the first instance by the Board on the same footing for appeal as those decided in the first instance by a circuit court. Since 2022, the PIA allows either an administrative complaint to the Board or a complaint for judicial review directly to a circuit court from a denial of public records.

The bill would help ensure the vitality of the Board's newly expanded jurisdiction by eliminating any ambiguity in Maryland law as to the appealability of cases initially decided by the Board. As a frequent user of the PIA, the Public Justice Center, and many other public interest organizations and individual requesters of records, would likely bypass the Board as permitted by the statute in order to be secure in the right to appeal to a Maryland court whose decisions are precedential. Circuit court decisions are not reported decisions and do not carry such weight. Moreover, as the decision whether to file a complaint with the Board over a denial of records is in the hands of the requester, without the clarification provided in HB 1051, a government entity seeking judicial review of a Board decision might be denied appellate review without having had any say in that.

There is no reason to treat Board decisions differently from circuit court decisions under the PIA for purposes of appellate review, and there is no reason to wait until a court interprets the PIA to deny such review to eliminate any ambiguity in the law.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

For the foregoing reasons, the Public Justice Center and the undersigned organizations urge a FAVORABLE report on HB 1051. Should you have any questions, please contact Debra Gardner, Legal Director, at 410-625-9409, ext. 228 or gardnerd@publicjustice.org.



**Common
Cause**

Maryland

ACLU

Maryland



The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.