

ANNE R. KAISER  
Legislative District 14  
Montgomery County

Health and Government  
Operations Committee

House Chair  
Joint Committee on Cybersecurity,  
Information Technology and  
Biotechnology



The Maryland House of Delegates  
6 Bladen Street, Room 425  
Annapolis, Maryland 21401  
301-858-3036 · 410-841-3036  
800-492-7122 Ext. 3036  
Fax 301-858-3060 · 410-841-3060  
Anne.Kaiser@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of  
House Bill 1051: Public Information Act - Decisions of the State Public Information Act  
Compliance Board - Appeals  
March 8<sup>th</sup>, 2023**

Madam Chair Peña-Melnyk and esteemed members of the Health and Government Operations Committee, it is my pleasure to come before you and offer testimony in favor of **House Bill 1051: Public Information Act - Decisions of the State Public Information Act Compliance Board - Appeals**. This bill is important to ensure consistent interpretation and application of the Public Information Act (PIA) across the State.

This bill clarifies that, once a decision of the PIA Compliance Board is appealed to circuit court, a losing party in circuit court can further appeal that decision to Maryland's appellate courts. That is already the case with most quasi-adjudicative decisions by State administrative agencies, but the statute that applies to those agencies does not apply to the PIA Compliance Board.

Clarifying that these decisions can be further appealed to the appellate courts will ensure that the appellate courts have the final say on the important questions of law that are raised in PIA cases. This is important because circuit court decisions in any one jurisdiction are not binding on other circuit court judges in the other 23 jurisdictions.

Now that the Compliance Board has expanded jurisdiction and is starting to issue more decisions, both requesters and custodians are soon going to start appealing decisions of the PIA Compliance Board to circuit court. Once that starts happening, under current law, it is unclear whether the losing party in circuit court will then be able to appeal that circuit court decision to Maryland's appellate courts.

The lack of an ability to appeal the circuit court's decision to the appellate courts will likely lead to confusion about how to apply the provisions of the PIA that were the subject of the PIA Compliance Board's decision. Part of the rationale for expanding the jurisdiction of the PIA Compliance Board was that its decisions would provide more guidance to custodians and requesters about how to apply and interpret the PIA. It would be unfortunate if, in practice, the lack of appeal rights from circuit court to the appellate courts actually leads to *more* confusion.

I urge a favorable report on **House Bill 1051**. Thank you.