

**WES MOORE**  
*Governor*

**ARUNA MILLER**  
*Lt. Governor*



**LISA A. KERSHNER**  
*Public Access Ombudsman*

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

**Testimony of Lisa Kershner, Public Access Ombudsman, in support of S.B. 296  
Public Information Act – Public Access Ombudsman – Delegation of Powers**

*Submitted to*

**Education, Energy and the Environment Committee**

**February 4, 2025**

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee:

I serve as Maryland’s Public Access Ombudsman, a position I have held since the program began in 2016. The program’s core service is to mediate or make other reasonable attempts to resolve disputes between applicants and custodians under Maryland’s Public Information Act (“PIA”). S.B. 296 strengthens and adds flexibility to the Ombudsman program by expressly allowing the Ombudsman to delegate any of the powers and duties already granted to the Ombudsman to a staff member of the Office of the Public Access Ombudsman.

Importantly, the bill does not alter the scope or character of the Ombudsman’s powers, duties or services. The bill does ensure, however, that mediations and other program services will continue uninterrupted if the Ombudsman is unavailable and will help reduce the time many requestors and agency representatives must wait to obtain assistance.

As additional background, the Ombudsman is authorized to try to resolve a wide array of PIA disputes on an entirely voluntary basis and through a confidential process aimed at reaching an agreement that is acceptable to both parties.<sup>1</sup> By statute, the Ombudsman generally has 90 days to conclude a mediation (absent an extension) and at the conclusion of the process, must issue a “Final Determination.” General Provisions Article § 4-1B-04(b).<sup>2</sup> The ability to address PIA disputes promptly is a critical factor in the likelihood that mediation will be effective in resolving the dispute. S.B. 296 will help the Ombudsman and her staff resolve disputes faster and will strengthen the program by affording the Ombudsman greater flexibility and making the program more resilient.

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<sup>1</sup> Disputes include issues about denials of access to records, fees or the denial of a request to waive fees, the failure of an agency to timely or fully respond to a PIA request as well as complaints by agencies concerning overly broad or repetitive requests and, on occasion, complaints that “a request or pattern of requests from an applicant is frivolous, vexatious or made in bad faith.” General Provisions Article § 4-1B-04(a).

<sup>2</sup> The Final Determination must be submitted with any complaint filed with the PIA Compliance Board as it provides the basic information needed by the Board to determine whether it has jurisdiction to decide the complaint.

Thank you for considering this testimony in support of S.B. 296. I look forward to addressing any questions the Committee members may have.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lisa Kershner". The signature is written in a cursive style with a large initial "L".

Lisa Kershner

Public Access Ombudsman