



MARYLAND
Association of
COUNTIES

House Bill 821

Public Information Act - Denials - Pending Litigation

MACo Position: **SUPPORT**

To: Health and Government Operations
Committee

Date: February 11, 2025

From: Sarah Sample and Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** HB 821. This bill provides reasonable standards for a local custodian of records to deny inspection of documents when a Public Information Act request is for materials that could be consequential to current or reasonably pending legislation.

Open record standards are a vital component to transparency and accountability in governance. Access to records and stringent procedural components are in place to make sure this process is as efficient as possible. However, there are times when revelation of certain information could compromise taxpayer dollars tied to government litigation, or rightful defendants when recovering damages.

This bill recognizes that in some instances the availability of a public record could damage current or pending litigation for both the plaintiffs and defendants. Establishing that a record may not be released until the case has concluded will ensure that the justice system can move forward effectively without undue complications. The record will then become available for public inspection following adjudication.

Counties believe this is an important bill that recognizes ongoing litigation as a legitimate element in determining when certain records should be made publicly available. For these reasons, MACo would urge a **FAVORABLE** report on **HB 821**.