



February 11, 2025

**House Bill 821**

**Public Information Act - Denials - Pending Litigation**

**House Health and Government Operations Committee**

**Position: FAVORABLE**

Anne Arundel County **SUPPORTS** House Bill 821 – Public Information Act - Denials - Pending Litigation. This Bill would allow counties to deny inspection of records pertaining to certain pending or reasonably anticipated litigation in which the counties, or their officers or employees, are or may be a party. The provisions established under the bill do not apply to a record that is a court record or pertains to litigation that has been finally adjudicated or otherwise settled.

The right to access government records granted by the Public Information Act is a vital instrument in safeguarding our democracy. Its proper application promotes democracy by helping the public better understand government decisions through transparency and empowers an informed citizenry to hold their government accountable. However, this right should not be misused to circumvent other statutes or the rules of discovery.

Anne Arundel County commits a significant amount of time and resources to help fulfill Public Information Act requests because we value transparency and accountability. There is often an increased number of requests as a precursor to litigation, or are made during an open court case not for the purpose of obtaining information in accordance with the intent of the Public Information Act, but to bypass litigation rules and the proper court discovery process. It also places an undue strain on county resources that impede our responsibility to honor and respond to valid requests.

This Bill helps address the misuse of the Public Information Act that is becoming too common by permitting counties to deny requests in those specific circumstances pertaining to litigation. Accordingly, Anne Arundel County urges a **FAVORABLE** report on House Bill 821.