

## **House Bill 15 – Public Information Act - Public Records - Nonprofit Organizations**

### **POSITION: Oppose**

February 10, 2026

House Government, Labor, and Elections Committee

The University of Maryland Medical System (“UMMS”) strongly opposes House Bill 15 – Public Information Act - Public Records - Nonprofit Organizations. As introduced, House Bill 15 (“HB 15”) would extend public records disclosure requirements governing State and local government agencies to cover private, nonprofit organizations if they receive \$50,000 or more in State funding.

The Maryland Public Information Act (“MPIA” or the “Act”) was adopted in 1970 with the purpose of granting the public a broad right of access to *public* records while protecting legitimate governmental interests and the privacy rights of individuals. Since its inception, the Act has played a central role in ensuring that the public has adequate knowledge of government activities, which is critical to the functioning of a democratic society. However, HB 15 proposes to re-write the Act and undermine its purpose by extending the broad right of access to any records held by private, nonprofit businesses, absent a separate statutory protection (e.g., medical or personnel disciplinary records).

UMMS appreciates that the intent of the legislation may be to promote transparency and accountability for organizations receiving State funds. However, to the extent this is the goal, these mechanisms already exist in State law. Nonprofits organizations receiving State funds are subject to statutory, regulatory, and contractual provisions mandating the proper use of public funds and comprehensive reporting requirements to ensure it. State agencies are also authorized to, and do with regular frequency, audit grant-related operations of nonprofit organizations receiving grant funds.

Importantly, the bill is not narrowly tailored to records related to State grants or public funding. Instead, it would subject all information and data of a nonprofit organization to the Maryland Public Information Act (PIA), regardless of whether the records have any connection to State funds. This represents a significant expansion of the PIA beyond its traditional scope and would effectively treat private nonprofits as State agencies for disclosure purposes, without regard to their status as a private entity. Speaking as a former state employee, and the staff member who served as the custodian of records for an executive agency, expanding the MPIA to include nonprofit organizations could have a calamitous impact on the operations of these businesses. Pursuant to the MPIA all phone and text messages, emails, calendar invitations, and work product are subject to public disclosure. While this is an appropriate scope for public agencies and employees who work on behalf of the citizens of the State and almost exclusively conduct operations using public funds, it is wholly unreasonable for private, nonprofit organizations.

The MPIA also authorizes judicial enforcement, including actions to enjoin an entity from withholding records. Subjecting nonprofits to this enforcement framework would expose them to costly and time-consuming litigation, often for simply attempting to protect confidential or sensitive information. Even meritless actions could impose substantial legal expenses. Plaintiffs also frequently use information requests as a form of pre-discovery when contemplating or pursuing litigation against public entities. If HB 15 is enacted, nonprofits such as hospitals and health systems can expect a surge of broad “fishing expedition” requests aimed at developing speculative legal theories. Unlike State agencies, however, nonprofits would not benefit from balancing protections such as the Maryland Tort Claims Act, which limits the liability of the State of Maryland. This imbalance would make it harder to dispose of weak or speculative claims early, increasing legal fees, settlement pressure, and insurance premiums.

Finally, the fiscal note concludes that the bill would not have a meaningful impact on small businesses. However, state agencies and local governments maintain dedicated PIA staff and rely on legal counsel from the Office of the Attorney General to review records, evaluate exemptions, and manage compliance. These functions require significant financial and administrative resources. Small businesses generally do not have comparable staffing or legal infrastructure, and even for larger nonprofit organizations responding to PIA requests will be extremely time-consuming and costly, diverting limited resources away from their core missions.

For these reasons, the University of Maryland Medical System strongly opposes HB 15, and respectfully requests an *unfavorable* report on the bill.

For more information, please contact:

Will Tilburg  
Vice President, Government and Regulatory Affairs  
University of Maryland Medical System  
[William.Tilburg@umm.edu](mailto:William.Tilburg@umm.edu)