

HOUSE BILL 304 (HB0304)

SUPPORT (FAV)

WRITTEN TESTIMONY OF:

**JOHN GALBREATH
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REISTERSTOWN, MD 21136**

I am a Maryland citizen, and I support this bill for the following reasons:

I. OPEN AND TRANSPARENT GOVERNMENT, AND BROAD ACCESS TO GOVERNMENT RECORDS BY ALL PERSONS, ARE FOUNDATIONAL PRINCIPLES OF THE PUBLIC INFORMATION ACT (“PIA”).

The PIA grants all persons a broad right to inspect government records. Maryland Code, Gen. Prov., § 4-103(a) and (b) (General right to information) state:

- a. “All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.”
- b. “To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.”

These foundational principles are attached for the Committee’s convenience as Exhibit 1.

Indeed, the Attorney General’s own PIA manual states at the very start:

“The Maryland Public Information Act is based on the enduring principle that public knowledge of government activities is critical to the functioning of a democratic society; that a Government of the people, by the people, and for the people must be *open* to the people.” December 2024 edition, Preface.

The PIA manual cover page and preface are attached for the Committee’s convenience as Exhibit 2.

Simply put, open and transparent government is the cornerstone of a free and democratic society, and the PIA is a critical tool to achieve that.

II. THIS PROPOSED BILL FURTHERS THESE IMPORTANT FOUNDATIONAL PRINCIPLES, AND WILL INCREASE THE INFORMATION AVAILABLE TO MARYLAND CITIZENS ABOUT THE OPERATION OF OUR GOVERNMENT.

I have personal experience with the issue this bill will resolve. I made a PIA request concerning the operations of a State agency. My PIA request was refused, forcing me to file a lawsuit to obtain the requested information. The agency involved repeatedly asserted that providing the information would entail creating a new public record. But the information was contained in the agency's electronic databases, and could readily be provided by manipulating the data. The agency just did not want to do that.

I'm sure I am not the only citizen who has had this experience. Situations like this are why this bill is so important. The bill will strengthen General Provisions Section 4-205(c)(5), and make clear that simply manipulating existing data, when the data program is capable of doing so, does not constitute creating a new public record.

III. OTHER REASONS THIS BILL WILL FURTHER OPEN AND TRANSPARENT GOVERNMENT.

Maryland does not have a State Inspector General to provide independent oversight of state agency practices and procedures, and the PIA thus functions as a critical tool for public oversight. We should be strengthening the PIA – making it more citizen-friendly and less restrictive – and this bill does that. It will lower the wall around the State and its agencies, and will help the public and other organizations gain access to information about the workings of our government.

[Home Table of Contents](#)**§ 4-103. General right to information**

West's Annotated Code of Maryland

General Provisions

Effective: October 1, 2014

West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 4. Public Information Act (Refs & Annos)
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 4-103
Formerly cited as MD CODE, SG, § 10-612

§ 4-103. General right to informationCurrentness**In general**

(a) All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.

General construction

(b) To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.

General Assembly

(c) This title does not preclude a member of the General Assembly from acquiring the names and addresses of and statistical information about individuals who are licensed or, as required by a State law, registered.

Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

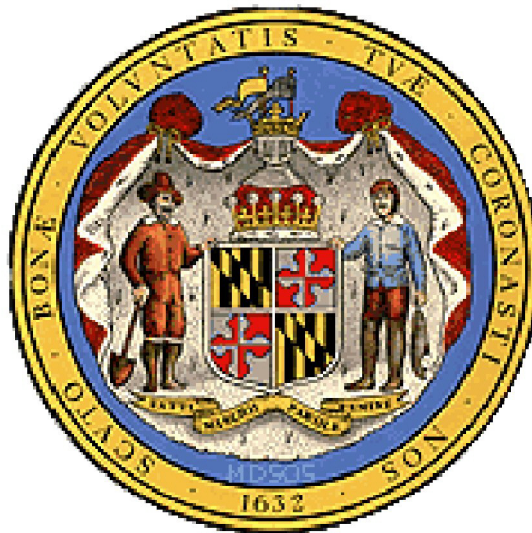
MD Code, General Provisions, § 4-103, MD GEN PROVIS § 4-103

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

END OF DOCUMENT

EXHIBIT 2

Maryland Public Information Act Manual



Office of the Attorney General

Anthony G. Brown
Attorney General

Nineteenth Edition
2024

PREFACE

The Maryland Public Information Act is based on the enduring principle that public knowledge of government activities is critical to the functioning of a democratic society; that a Government of the people, by the people, and for the people must be *open* to the people. Members of the public need and deserve complete information as they make the decisions and form the opinions that determine our future path, and the Act ensures that those needs are met fairly and expeditiously while protecting important privacy rights and other public policy goals.

As Attorney General, I am committed to open access to information, and to promoting a consistent application of the Act throughout State and local government. The Office of the Attorney General has long worked toward ensuring the correct implementation of the Act, and I am continuing and expanding on that tradition.

This manual is designed to be a resource for a range of users, from members of the public and the media who request information, to the government officials who have the responsibility to implement the Act's requirements.

The 19th edition of this manual, like those that precede it, is the work of many talented and committed individuals from the Office of the Attorney General. Special credit goes to former Deputy Attorney General, later Judge, Dennis M. Sweeney for preparing the first several editions, and to former Assistant Attorneys General Jack Schwartz and Robert N. McDonald (now Judge McDonald), as well as to Assistant Attorney General Adam D. Snyder, who assumed responsibility for subsequent editions. This most recent edition has been produced under the supervision of Patrick B. Hughes, the current Chief Counsel for Opinions & Advice.

I also wish to thank the local government officials, the Public Access Ombudsman, members of the private bar, and representatives of the media and open-government advocacy groups for their many constructive suggestions about how best to implement the PIA.

In addition to being available in printed version, the Manual is on-line at <http://www.oag.state.md.us/Opengov/pia.htm>.

Please let me know if you have suggestions for further refinements.

*Anthony G. Brown
Attorney General
December 2024*