

February 13, 2020

**Testimony on SB 535 –
Public Information Act - Denial of Part of a Public Record - Victims and Witnesses
Education, Health, and Environmental Affairs**

Position: Favorable

Common Cause Maryland supports SB 535, which would protect specific individuals while preserving the public's right of access to 9-1-1 communications.

The Public Information Act (PIA) is an essential tool for public oversight of our state, county, and local governments. It allows Marylanders greater transparency into the workings of our officials, gives us access to data collected with public dollars, helps ensure a level of transparency vital to a healthy democracy.

The foundation of the PIA is the presumption of disclosure. Unless a disclosure is explicitly disallowed by law, a custodian of public information must disclose that information to any person who requests it. This premise limits the government's ability to shield valid public information from disclosure. In order for the PIA to be an effective check on the government, it is crucial that this presumption is protected by ensuring that exemptions are narrowly tailored and serve a clear public interest.

SB 535 meets that criteria by protecting by ensuring that discretionary denials under the PIA can be applied in situations where a custodian reasonably believes that inspection of a part of a public record would reveal the identity of a victim or a witness. Also that custodians provide notification before granting inspection of a 9-1-1 communications record that depicts a witness and that relevant portions can be redacted to avoid denying the release of the entire record. The exemption is limited only to that information in those circumstances and would serve the public interest by giving Marylanders confidence that we actively work to protect those most at risk.

SB 535 would expand on a limited disclosure exemption that is in the best interest of the public. We respectfully ask the committee for a favorable report.