

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Health, and
Environmental Affairs Committee

Joint Audit Committee
Joint Committee on Federal Relations



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB535: 9-1-1 Communications - Denial of Part of a Public Record
Education, Health, and Environmental Affairs Committee
Thursday, February 13, 2020, 1:00pm

In 2018, the Next Generation 9-1-1 (NG911) Commission was established to facilitate the transition to NG911 statewide. The first year's recommendations were drafted into three bills that passed the General Assembly and were signed by the Governor. Among the issues addressed in "Carl Henn's Law" were modifying the funding structure; updating our technology; acknowledging cybersecurity threats; addressing our recruiting and retention challenges; and adding more oversight and accountability. The other new laws improved benefits for 9-1-1 Specialists and offered some privacy for crime victims. The Commission included MPIA reform in its original recommendations, resulting in the SB5 (2019), which is now law. Despite last year's success, there is still more work to protect people who call 9-1-1 for help.

The NG911 Commission I chair continues to be concerned about protecting the personal information of 9-1-1 victims. In 2019, the Commission voted unanimously to include updates to the Maryland Public Information Act (MPIA) among its 25 recommendations for the 2020 legislative session.

Transparency is vital to ensure accountability, but it is also important to consider the privacy of those who contact 9-1-1. The MPIA is a crucial tool to allow citizens to see the workings of their government. It is not, however, designed to allow us to see into our neighbors' houses in their time of crisis.

SB535 would simply codify the Attorney General's *Rouse* opinion of 1986 in order to protect callers from having their personal information shared with the public. This opinion noted:

- Recordings of calls to 9-1-1 centers are 'public records' under the MPIA.
- The portion of any recording that contains medical or psychological information about an individual may not be disclosed.
- Calls for police assistance may be withheld if it would be contrary to the public interest.

This bill would modernize the MPIA to prepare for changes coming with NG911. In addition to the current ability to communicate through a phone call, NG911 will allow people in distress to send:

- Text messages requesting assistance;
- Photos of the emergency; and
- Videos of the event to the 9-1-1 Specialist.

These advanced capabilities will certainly lead to new privacy violations that the State **must** address before people's lives are irreparably damaged.

I urge a favorable report on SB535.