



**2020 SESSION
POSITION PAPER**

BILL: HB 502 – Public Information Act - Revisions
COMMITTEE: Health and Government Operations Committee
POSITION: Letter of Concern
BILL ANALYSIS: HB 502 would require custodians of public records to adopt a ‘proactive disclosure’ policy appropriate to the type of public record and reflecting the staff and budgetary resources of the governmental unit, include publication of public records and publication of prior responses to request for inspection under this policy on the unit’s website, publish a report of the requests and responses on their website yearly before July 1 per specifications, make changes to the Board composition and responsibilities, including actions around fees, and require the OAG to provide staff to the Board and Office of Public Access Ombudsman, adopt regulations and other related duties for the Compliance Board regarding requests or patterns of requests deemed to be frivolous or vexatious.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) respectfully submits this Letter of Concern regarding HB 502.

Local Health Departments (LHD) support effective customer service, transparency and accountability, but also have a legal obligation to be diligent stewards of protected information to ensure that sensitive data does not reach the wrong hands. On an annual basis, LHDs respond to thousands of Public Information Act (PIA) requests. These range from resident requests for birth, death and environmental health records to responses to court orders and media inquiries. Some requests can be addressed immediately by the initial point of contact. Other requests may require analyzing hundreds of documents with input from numerous staff, and even legal counsel.

Typically, responsibility for responding to PIA requests are shared by staff across all programs. LHDs rarely have staff whose sole responsibility is completing PIA requests. Staff work to complete requests in a timely manner so backlogs do not arise. A complicating factor in the efficiency of this process is that many LHD records are not digital and are only found in paper format. Consequently, tracking use of these records to comply with a request will also be an analog process. The comprehensive system of tracking and reporting required in this bill will ultimately increase response times, delay the resolution of requests, and increase the fiscal impact of responding to requests. These issues should be taken into consideration when deliberating on HB 502.

For these reasons, the Maryland Association of County Health Officers submits this **letter of concern for HB 502**. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaioral@jhu.edu or 410-614-6891. *This communication reflects the position of MACHO.*