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Land Use and Ethics Subcommittee

Joint Committee on Administrative,  
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Joint Committee on Ending  
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**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 502 Public Information Act - Revisions**  
February 11, 2020 \* Health and Government Operations Committee

**What this bill does**

This legislation builds on the important work done by Del. Bonnie Cullison and Sen. Jamie Raskin in 2015 in creating the PIA Ombudsman and PIA Compliance Board. These two entities have now proven to be invaluable in their efforts, yet their value is under-used because of the limited authority given to them. A report authored by the Ombudsman and published in December 2019 reviews the efficacy of the public information act in Maryland and recommends updates to the law - this legislation is based on that report.

The legislation's key provisions provide that:

- It will be the practice of all public agencies to adopt a policy of proactive disclosure and share documents whenever appropriate or feasible, including responses to past requests.
- The jurisdiction of the PIA Compliance Board will be expanded to review and issue opinions on any PIA disputes that are not resolved through mediation with the Ombudsman. The Act will increase the Board's review to cover disputes including denials of inspection, fee waivers and timely response and lowers the floor for fee disputes from \$350 to \$200.
- The PIA Compliance Board may order custodians to correct violations and also to review custodian requests for relief regarding requestors who make PIA demands that are frivolous, vexatious, or in bad faith.
- Custodians publish an annual report on their PIA requests and responses, to the extent feasible.

**Why this bill matters**

This year marks the 50th anniversary of Maryland's Public Information Act. Without a process for resolution and enforcement of existing provisions of law, however, public information is inaccessible to those who seek it - it is not truly public. Maryland's Ombudsman and Compliance Board structure are important tools to make sure the promise of the PIA is fulfilled - this legislation ensures that these institutions can fulfill their promise to Maryland citizens, while also providing assistance to over-burdened custodians.

## **Why should you vote for this bill**

Our representative democracy depends on an informed electorate, and no electorate can be informed without access to public government information. This bill will ensure that our constituents and our agencies are working together to provide access to public information. It is a common sense, low-cost solution that is critical to improving citizens' trust in Government, and by way, our Democracy.

## **Make Public Information Public**

Give Marylanders fair and open access to government-funded data and information through three key updates to the Maryland Public Information Act

### **HB 502 – Public Information Act – Revisions, Del. Brooke Lierman**

The bill builds on the successful implementation of the Public Information Act Compliance Board and the Ombudsman programs begun in 2015. It provides the PIA Compliance Board with comprehensive jurisdiction to review and decide PIA disputes that are not resolved through mediation with the Ombudsman. The bill also requires custodians to adopt a policy of proactive records disclosure, and to annually track and report information about their PIA requests and responses.

This proposed legislation—especially the provisions expanding the Board's jurisdiction—would implement the primary recommendations in the Ombudsman and Board's recently published [Final Report on the Public Information Act](#). As stated in the Report, providing the Board with comprehensive jurisdiction in this way is expected to improve the PIA dispute-resolution process by both enhancing the Ombudsman's mediation program, and by providing an accessible administrative process for reviewing and deciding matters that can't be solved through mediation alone.

### **HB 401 – Open Government, Better Government Act, Del. Erek Barron**

The bill focuses on judicial records, clearly putting them in the category of public records. It increases the jurisdiction of the PIA Compliance board to hear disputes regarding fee waivers and fees above \$200. It would prohibit the redaction or coding of judges' names presiding over open proceedings. Further, the bill provides a definition of "public interest," and requires a fee waiver for requests by indigent persons, inmates, and representatives of the news media under certain conditions.

### **HB 42 - Applications for Inspection – Responses and Time Limits, Del. Michele Guyton**

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*Marylanders for Open Government a network of diverse organizations connected by an interest in demanding fair and open access to government-funded data and information. Members of the network include environmental and public health groups, good government groups, consumer advocates and social justice organizations. More information and a list of members can be found at [www.MdOpenGov.org](http://www.MdOpenGov.org)*