

February 19, 2021

SB 449 Public Information Act – Revisions (Equitable Access to Records Act)

Education, Health and Environmental Affairs Committee

Witness:

Laurie Powers

415 Water Street, POB 37
St. Michaels, MD 21663

Testimony in **SUPPORT** of SB 449 –

This bill is very important to me as a Maryland citizen who has experienced the problems inherent in the current Public Information Act - that the public does not have equitable access to publicly-available information.

My recent experience with the handling of PIA requests by several Dept. of Labor licensing/regulatory agencies (and their attorneys) was very disappointing. With one exception, those custodians were dismissive and uncooperative, and my PIA requests went largely ignored or unsatisfied.

The PIA requests concerned the processing of my complaints by the involved regulatory agencies against licensees in related home purchase, inspection and improvement transactions. Those agencies are tasked with consumer protection. However, they demonstrated a surprising lack of transparency and due process in their review, investigation and decision making regarding my complaints, and appeared to be biased toward protecting their licensees instead of the public.

My attorney and I worked with the Office of the Public Access Ombudsman in mediation attempts with the involved three Dept. of Labor agencies regarding unresolved PIA disputes. The disputes concerned the lack of production of meaningful documents generated from those agencies' processing of my complaints, as requested.

Unfortunately, the result of those mediation efforts was unsatisfactory, but not because of a lack of effort by the Ombudsman. The Ombudsman is in an impossible position of having no enforcement authority if agencies refuse to cooperate with citizens; the mediation process is strictly voluntary and therefore largely ineffective and a waste of time and effort, as well as money when attorneys are involved.

Likewise, the only other current option of a lengthy court appeal process is cost-prohibitive, and therefore not accessible or realistic for the average citizen.

Therefore, the modifications proposed in SB 449 based on the recommendations of the 2019 Final Report on the PIA need to be adopted. The public is not being served as things currently stand. As indicated in the Report, there is widespread lack of compliance among custodians and no accountability for non-compliance. Agencies take advantage of the lack of consequences for non-compliance if they're so inclined, as was the case with my PIA requests and disputes. PIA compliance is mandatory, not optional, but without enforcement, as a practical matter it becomes optional, and that is unacceptable and not as the Legislature originally intended.

The public's right to information about government activities lies at the heart of a democratic government. The public needs to be assured that the PIA is taken seriously and that it will increase government transparency through a robust review and disclosure process, but that isn't happening. The law currently has no practical enforcement arm and therefore no teeth; as a result, transparency and disclosure are not being ensured and the government and law are failing its citizens.

My negative experience with multiple agencies' non-compliance with the PIA as well as their lack of transparency, due process, fairness and integrity in processing my complaints against unscrupulous licensees under their jurisdiction caused me to lose trust in my state government's willingness to protect me and other consumers as those agencies are tasked with doing. What I have witnessed is a disturbing disregard or even contempt for their customers, stonewalling and other CYA behavior, bureaucracy at its finest, obfuscation and unchecked procedural abuse by executive directors and their attorneys on down.

The modifications as proposed in SB 449 are necessary to provide transparency and accountability in our state government. Working toward those important goals will increase the public's faith in its government's willingness to disclose public information and to protect its citizens' interests.

The main provisions of the bill that provide for expanded PIA Compliance Board jurisdiction and self-reporting by Maryland agencies regarding the PIA are critical to developing a robust law that ensures government transparency and disclosure of information to the public about its activities as originally intended a half century ago when the PIA was created.

I therefore urge you to give your full support to the necessary modifications as proposed in this important bill.

Thank you.