



HB 183

UNFAVORABLE

One University. A World of Experiences.

To: Chair Shane Pendergrass, HGO Committee
From: Brad Nixon, FSU General Counsel
Date: February 11, 2021
Re: HB 183 – Public Information Act – Revisions (Equitable Access to Records Act)

Frostburg State University joins with colleagues across the USM to oppose HB 183. As noted in other testimony, the bill greatly expands the authority of the Public Information Act Compliance Board without sufficient evidence that such an expansion is necessary or prudent. Given the breadth and nature (across many different media) that have become commonplace in PIA requests, we are concerned with the proposal to LOWER the definition of unreasonable fee to \$200, from \$350 will increase the number of appeals that are subject to board jurisdiction.

Higher education possesses a diverse mix of records, many of which are covered by separate state and federal laws and regulations. We must retain the flexibility to navigate the requests and our ability to provide information, as well as the discretion to make appropriate denials. Expanding the authority of the PIACB will in fact increase the number of appeals, further stressing our ability to be responsive and timely. The fiscal impact to FSU could be significant, likely resulting in the addition of a staff person to the Office of the General Counsel, at an annual cost of approximately \$45 – 60,000 let alone any necessary IT reprogramming or database set-up to capture metrics which are not currently collected. Determining in advance the types of information that should be disclosed and proactively posting or making such information available is equally problematic.

I would note that the December 2019 report by the PIACB and Ombudsmans Office that gave rise to many of the recommendations to expand the jurisdiction of the PIACB did not review the practices of public higher education, focusing instead on cabinet agencies. Such a focus does beg the question of whether there was an implicit understanding of the differences between higher ed and executive branch agencies.

FSU Metrics for 2020:

Approximately 30 requesters filed inquiries during calendar year 2020, the most onerous being a request for documentation for all University purchases from 2015 to 2020. (FSU is working to narrow the scope of the request. This level is lower than the number of inquiries in recent years due to the effects of the COVID-19 pandemic (FSU received no requests from April through June).

Given these and numerous other concerns, FSU urges an unfavorable committee report.

Sponsor, Delegate Brooke Lierman

For more information, contact Mary E. Clapsaddle, Director of Government Relations at 410-562-2838
FSU is a constituent institution of the University System of Maryland