



UNIVERSITY OF MARYLAND GLOBAL CAMPUS

Bill: House Bill 183- Public Information Act – Revisions (Equitable Access to Records Act)
Committee: House Health and Government Operations
Date: February 11, 2021
Position: Oppose
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The University of Maryland Global Campus (UMGC) **OPPOSES House Bill 183 – Public Information Act – Revisions (Equitable Access to Records Act)** because it does not take into account the complex nature of the PIA administration for universities of higher education, specifically UMGC. The expansion of the authority of the Public Information Act Compliance Board (PIACB) in this bill chips away at the discretion of each agency to know their own practices and operational limitations, especially one with such an overarching international footprint as UMGC. Finally, the bill creates new and cumbersome administrative standards without recognition of any significant problems administering the current PIA at universities of higher education.

UMGC operates worldwide. It currently employs about 7,000 individuals across the globe. The expansiveness of the institution results in thorough, cross-divisional, and frequently time-consuming records collation and review in response to PIA requests. HB183 seeks to remove the autonomy of UMGC to operate within its own administrative and legal parameters. Not only would these changes see UMGC begin to lose its role in analyzing and enforcing discretionary denials under the currently existing statute, but the scrutiny by which it responds to PIA requests would be unfairly heightened due to the nature of the records in its possession as an institution of higher education. Colleges and universities have a unique mix of records, but UMGC, as a global leader in online education operating on the international scale that it does is uniquely situated to review PIA requests that touch on issues that many other universities do not have to contemplate.

For example, by virtue of UMGC's status as a contractor with the Department of Defense (DoD), there may be federal requirements which prohibit the disclosure of certain military-affiliated records that others deemed as "public." UMGC operates on U.S. military installations in twenty (20) plus countries under three (3) contracts: Europe, Asia, and Middle East. UMGC is a public state institution of higher education, but its relationship with the U.S. government avails it to certain regulations that are outside the operational scope of other Maryland state agencies. For these reasons, UMGC would not expect the PIACB to navigate the nuances of these relationships and the rationales for certain PIA strategic responses. In that vein, Section 4-1A-106(b)(5) of the bill that states, "A custodian may not be civilly or criminally liable for providing or describing a public record

to the board under this subsection” – will not likely have the statutory power that the bill drafters think it does for schools that contract with the federal government.

Also, the proposed changes in Section 4-1A-04 of the bill would open the floodgates of PIA complaints to the PIACB and create more work for the State all around. Many of UMGC’s responses are based on discretionary denials, and it is within the scope of UMGC staff to exercise that statutorily-granted flexibility in determining which records meet certain criteria.

HB183 also creates significant operational changes at the agency level, yet provides very little detail on how to achieve these heightened thresholds. For example, Section 4-105(A)-(B) the bill contains new requirements for an annual report that must be created and published on the agency’s website containing about twelve (12) particular metrics that must be captured therein. However, the bill does not contemplate any State-based assistance measures on how these units, especially ones lacking the requisite technical support, can fulfill these expansive obligations. Furthermore, UMGC has divisions in the United States, Asia, and Europe – totaling over 150 locations worldwide. The amount of work that it would take to capture the proposed requirements in Section 4-105 alone across its global operations would require likely years long strategic projects and significant information technology fund investment. The metrics required in this section would also require resource supplementation of UMGC’s small Office of Legal Affairs and/or Institutional Compliance and Risk Unit and also a technological solution to integrate with current University systems across all global divisions to pull, organize, and store this necessary data.

Additionally, decreasing the current filing fee from \$350 to \$200 will likely increase the number of complaints submitted to the PIACB and create unrealistic financial burdens on UMGC to process complex and costly requests. Already many of UMGC’s responses to requests cost well over the current statutorily-imposed limit of \$350. Lowering the already low threshold to \$200 is not proportionate to the amount of time and effort put into responding to these requests.

The low cost threshold proposed by the bill also would likely result in a significant increase of PIA requests for email and other electronic data. This may require additional staff resources to process these types of requests as well as additional systems for converting email and other electronic records into PDFs and formats for the offices mentioned above to review.

Finally, the effective date is currently set at October 1, 2021 with an obligation for UMGC to report on or before July 1st of each year the metrics/information below beginning with the year 2021. Ideally the effective date would be changed to October 1, 2022 to give agencies an opportunity to set processes and adopt technology tools to comply with the bill.

For these reasons, UMGC **OPPOSES House Bill 183** and urges and **UNFAVORABLE** report.