



## Senate Bill 5

### *Public Information Act - 9-1-1 Communications - Denial of Part of a Public Record*

MACo Position: **SUPPORT**

To: Education, Health, & Environmental  
Affairs Committee

Date: January 23, 2019

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 5 as the bill provides reasonable protections against the release of certain personally identifying information or graphic content under the Maryland Public Information Act (PIA) for transmissions received by 9-1-1 emergency dispatch personnel.

The bill requires a custodian to deny inspection, under the PIA, of any part of a 9-1-1 record that depicts: (1) a victim or information that could identify a victim of domestic violence, a sexual crime, or abuse; (2) personally relevant information that may identify a victim's medical history; (3) information the custodian knows was voluntarily provided to the file by a third party; and (4) images that may be considered gory or gruesome or convey scenes of murder or suicide. The bill does not affect any discovery or evidentiary rights of a party in a civil suit or criminal prosecution and a person in interest may always inspect the record.

SB 5 anticipates the implementation of Next Generation 9-1-1 (NG9-1-1) in Maryland. NG9-1-1 will improve and enhance the handling of 9-1-1 calls from cell phone users with technology that will increase response times and location accuracy, and allow text, photo, and video data to be shared by callers to first responders on their way to the emergency.

However, unlike legacy 9-1-1 networks, which primarily rely on voice data, NG9-1-1 will generate media not previously subject to public scrutiny – including the insides of private homes and businesses and visceral scenes of trauma. The potential for abusive use of such media, including victim-shaming and posting on the internet, is extremely high. SB 5 provides reasonable protections against the release of information showing victims of sensitive crimes or traumatic images while ensuring information important to the general public can be released. A person in interest can always receive and inspect a record.

SB 5 is narrowly crafted to protect sensitive information and prevent unwarranted invasions of personal privacy from media obtained through NG911 networks. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 5.