



Senate Bill 477

Public Information Act – Required Denials - Physical Addresses, E-Mail Addresses, and Telephone Numbers

MACo Position: **SUPPORT**

To: Health & Government Operations Committee

Date: March 21, 2018

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 477. This emergency bill would provide reasonable protections for an individual's personal contact information under the Maryland Public Information Act (PIA) where that information is used to provide official news or alerts.

SB 477 would require a record custodian to deny inspection of a distribution list, or the inspection of a request to be added to a distribution list, that identifies a physical address, an e-mail address, or a telephone number of an individual that is used by a government agency or elected official for the sole purpose of: (1) periodically sending news about the official activities of the governmental agency or elected official; or (2) sending informational notices or emergency alerts.

It is a fundamental principle of both the State and local governments in Maryland that public information be easily available to residents and other interested parties. A primary method of providing such information is through official newsletters and emergency alert notices. Whether through mailings, email, or text messages, individuals can receive information about government activities or emergency events.

However, under the PIA, anyone can request a person's contact information contained in these distribution lists and the State or local governments are generally required to provide them. This has led to some recent issues in Montgomery, Carroll, and Howard Counties. Disclosure of personal contact information has led to people being spammed with unwanted commercial or political communications.

This also creates a disincentive for people to use government subscription services and erodes the public's trust in our institutions. Ironically, many private companies have stronger protections in place about disclosing customer information than Maryland's governments do for their own residents.

The bill only applies to personal contact information used solely for the passive distribution of official news or emergency alerts. It does not apply to personal contact information provided as part of an "active" engagement with a government agency or official.

For example, an individual's contact information remains subject to PIA disclosure when the individual: (1) sends a letter providing comments on a proposed ordinance or regulation; (2) requests government action on an issue, such as fixing a pothole; (3) signs up to speak at a public hearing or meeting; or (4) submits a PIA request. The bill also still allows disclosure of aggregate subscriber data – just not the release of personal contact information.

SB 477 is narrowly crafted to protect the personal contact information of individuals who are receiving official news or alerts. It also aims to further government openness and the public's access to information and foster trust in our governmental institutions. Accordingly, MACo urges the Committee to give SB 477 a **FAVORABLE** report.