



House Bill 70

State Government - Access to Public Records in Electronic Formats - Termination Date

MACo Position: **SUPPORT**

Date: January 31, 2013

To: Health and Government Operations Committee

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) SUPPORTS House Bill 70 (HB 70). The bill would extend the sunset period on provisions of law clarifying how Maryland's Public Information Act (PIA) applies to electronic records.

Senate Bill 740 (SB 740) of 2011 updated provisions of the PIA to better reflect the use of electronic records. SB 740 required record custodians to provide copies of an electronic public record in a searchable and analyzable format, subject to certain conditions. The bill also authorized a record-holder to redact "metadata" (information embedded in an electronic document describing the document's history, tracking, and document management information) and clarifies that the record-holder may charge a reasonable fee for providing an electronic document similar to the fees charged for paper documents. The bill also contained a 2-year sunset provision of September 30, 2013.

MACo supported SB 740 as a reasonable modernization of the PIA that provided better and more useful public access to electronic records while addressing practical concerns raised by record custodians.

MACo also supports HB 70, which would extend the sunset date of SB 740 by three years to September 30, 2016. While no counties have currently indicated any problems in complying with the provisions of SB 740, the provisions have only been in effect for just over a year and the sunset extension would allow a more comprehensive assessment of the bill's potential impact on record custodians. Accordingly, MACo recommends the Committee issue a FAVORABLE report on HB 70.