



Senate Bill 342

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

MACo Position: **SUPPORT**

To: Health and Government Operations Committee

Date: March 27, 2013

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 342. The bill would repeal the sunset provision on law clarifying how Maryland's Public Information Act (PIA) applies to electronic records.

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 SB 342, which would repeal the sunset date of SB 740. No counties have currently indicated any problems in complying with the provisions of SB 740, and MACo believes the General Assembly would be willing to revisit the provisions of SB 740 should implementation issues arise. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report on SB 342.