

BILL: House Bill 1638
TITLE: Public Information Act - Revisions
DATE: March 7, 2018
POSITION: SUPPORT
COMMITTEE: Health and Government Operations Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports House Bill 1638. MABE supports this bill in order to establish reasonable parameters for the circumstances under which a custodian of public records is required to allow inspection of a recording from a personal surveillance video, including images captured by drone-mounted cameras and body-worn digital recording devices worn by law enforcement officers, firefighters, and emergency medical technicians.

This legislation is needed in order to reasonably limit general public access to recordings of incidents of domestic violence, sexual crimes, and other limited circumstances. Local boards of education are concerned that these are the types of incidents which may, if captured on video and released, create unnecessary disruption and harm for victims and families and therefore negatively impact and disrupt the school environment. Correspondingly, MABE supports the balanced approach of this bill to ensure the right to inspect recordings by persons directly involved in the incident.

Local boards are extraordinarily sensitive to the privacy rights and interests of our students; rights which are strictly governed explicitly by the federal Family Educational Rights and Privacy Act (FERPA) and related state regulations. Another federal statute, the Health Insurance Portability and Accountability Act (HIPAA), also includes privacy rules that affect the management of student records. Based on our familiarity with the heightened responsibilities of maintaining and protecting the privacy of student records maintained by school systems, MABE recognizes the merits of establishing the types of reasonable conditions on the inspection and release of body-worn camera recordings.

Importantly, MABE believes that this legislation will provide much needed clarity for law enforcement agencies and school systems when discussing and considering the development of formal agreements on the use of body-worn cameras in the school setting. Safety in public schools is the joint responsibility of local boards of education, school administrators and staff, students, parents and guardians, law enforcement and other public safety agencies, human services agencies, and the community in general.

In addition, MABE believes this bill appropriately limits public access to the personal contact information included on lists maintained by government entities solely for public information outreach purposes. Local school systems take very seriously the responsibility to comply with the Maryland Public Information Act, which is intended to grant the public a broad right of access to records that are in the possession of State and local government agencies, including local boards of education.

For these reasons, MABE requests a favorable report on House Bill 1638.