



621 Ridgely Avenue, Suite 300, Annapolis, Maryland 21401  
410-841-5414 · 800-841-8197 · Fax: 410-841-6580 · MABE.org

**BILL:** Senate Bill 477  
**TITLE:** Public Information Act - Required Denials - Physical Addresses, E-Mail Addresses, and Telephone Numbers  
**DATE:** February 14, 2018  
**POSITION:** SUPPORT  
**COMMITTEE:** Education, Health, and Environmental Affairs 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 Senate Bill 477.

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. Local school systems are responsible for managing and maintaining an enormous amount information, including public records, but also including student records, and records not subject to inspection or access under state or federal laws.

Restriction of public access to records maintained by local schools systems is already limited in other circumstances under state law. For example, there is also an affirmative duty to deny access to county board records that are legally confidential such as pursuant to lawyer-client privilege. The law additionally provides for required denial for personnel files, letters of reference, retirement records, or individual student records. Other required denials are for medical and psychological records, home addresses and telephone numbers of employees, individual financial records, and records of information system security. Finally, a local board may deny access to records where disclosure would be contrary to the public interest, such as, investigation records, security records, testing records, and real estate appraisals while acquisition is pending.

Regarding student records, the Maryland Public Information Act Manual acknowledges that “the Family Educational Rights and Privacy Act of 1974 (FERPA) restricts access to student records” and cites 92 Opinions of the Attorney General 137 (2007). Maryland law further provides specific limitations on access to student records; providing that a custodian must deny inspection of a school district record about the home address, home phone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student.

In this context, MABE supports Senate Bill 477 in order to restrict public access to lists containing personal contact information which a government entity, including a local school system, is maintaining for the narrowly defined purpose of providing informational notices or emergency communications.

For these reasons, MABE requests a favorable report on Senate Bill 477.